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A C T S

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH
WAS BEGUN AND HELD IN THE CITY OF FRANK-
FORT ON FRIDAY, THE THIRTY-FIRST
DAY OF DECEMBER, 1875,

VOLUME I.

PROPERTY OF THE STATE OF KENTUCKY.

FRANKFORT, KY.:
PRINTED AT THE KENTUCKY YEOMAN OFFICE.
JAMES A. HODGES, PUBLIC PRINTER.
1876.



“§ 23. * * * And it shall be the duty of the Public Printer to carefully compare the printed acts, whether of a general, local, or private character, with the acts on file in the office of Secretary of State, so that they may, in every respect, conform in language.”— *Chapter 67, sec. 23, page 613, title “Laws,” of the General Statutes.*

In compliance with the above provision of the General Statutes, the “engrossed bills”—from which the Public Printer prints—have been carefully compared with the “enrolled acts” on file in the office of Secretary of State. The discrepancies are noted below.

JAS. A. HODGES,
Contractor for Public Printing and Binding.

ERRATA.

- Chapter 5, Senate bill, page 2, section 1, lines 7 and 9, for “judicial” read “juridical.”
- Chapter 109, House bill, page 12, section 1, line 1, for “courts” read “court;” in section 3, line 3, after the word “court” read “in.”
- Chapter 228, Senate bill, page 25, section 4, line 5, after the word “Hardin” read “in;” in section 11, page 28, line 1, for “taken” read “to take;” page 26, section 5, for the word “judicial,” wherever it occurs, read “juridical.”
- Chapter 246, Senate bill, page 30, section 2, line 4, for “judicial” read “juridical,” and for “such,” in same line, read “each.”
- Chapter 354, House bill, page 35, section 2, line 3, for “amount” read “account;” section 3, line 2, for “therefore” read “therefor.”
- Chapter 595, House bill, page 47, section 8, for “on a credit” read “as a credit.”
- Chapter 613, House bill, page 50, section 5, line 3, for “county Carter” read “county of Carter;” section 7, line 11, for “services receive” read “services and receive.”
- Chapter 638, Senate bill, page 59, section 21, line 3, for “district” read “districts.”
- Chapter 677, House bill, page 65, section 10, for “judicial,” wherever it occurs, read “juridical.”
- Chapter 703, Senate bill, page 67, section 1, line 4, for “Fletcher” read “Letcher;” line 8, for “Packet’s creek” read “Pucket’s creek;” line 14, for “tree” read “trace;” line 27, for “Josh Tr” read “Josh Tye;” line 29, for “Jellica” read “Gallico;” section 4, omit the word “named” where it occurs the second time; section 5, line 2, after the word “any” read “mill;” same section, line 4, for “parties” read “persons.”
- Chapter 829, Senate bill, page 81, section 1, line 2, after the word “number” read “of;” same section, line 3, for “judicial” read “juridical.”

- Chapter 845, House bill, page 85, section 4, line 9, for "pharmacist" read "pharmacists;" same section, line 14, for "pharmacist" read "pharmacists."
- Chapter 867, House bill, page 89, section 1, line 2, after the word "of" read "the."
- Chapter 868, House bill, page 94, section 6, line 2, after the word "it" read "be."
- Chapter 878, House bill, page 95, section 2, line 12, for "votes" read "voters;" section 3, line 3, for article "one hundred and eleven" read article "three."
- Chapter 881, House bill, page 98, section 1, line 1, for chapter "seventh" read "seventy-six."
- Chapter 898, House bill, page 100, section 1, line 5, for "wherein" read "wherever."
- Chapter 900, House bill, page 105, subsection 3, of article 8, line 15, for "an" read "any;" subsection 4, of article 4, line 4, for "sum" read "sums;" section 28, line 8, for "as the" read "as they."
- Chapter 942, House bill, page 116, section 1, line 3, for "section" read "sections."
- Chapter 958, Senate bill, page 118, section 1, line 2, for "commissioners" read "commissioner."
- Chapter 998, House bill, page 122, section 6, line 4, for "or person" read "or persons;" section 8, line 5, for "substantiating" read "substantially," and for "the appended" read "those appended;" same section, line 6, for "every" read "each;" same section, line 7, omit the words "of the;" section 10, line 9, for "was" read "were."
- Chapter 999, Senate bill, page 124, section 1, line 11, for "agents" read "agent."
- Chapter 1009, Senate bill, page 129, section 1, last line, after the word "apply" read "to."
- Chapter 1010, Senate bill, page 130, section 3, line 1, omit the word "of" in end of line.
- Chapter 1020, Senate bill, page 132, section 6, line 7, after the words "General Assembly" read "to each master commissioner."
- Chapter 1029, House bill, page 137, section 2, line 1, for "the" read "this;" same section, line 2, for "owner" read "owners."
- Chapter 1031, Senate bill, page 138, section 1, line 4, for "purchase" read "prepare;" same section, line 5, for "proposed" read "prepared."
- Chapter 1035, House bill, page 138, section 2, line 10, for "quiet" read "quell."
- Chapter 1036, House bill, page 139, section 1, line 13, for "therefore" read "theretofore."
- Resolution 18, Senate, page 146, line 3, for "days" read "day."
- Resolution 19, Senate, page 147, line 3, for "section 1st" read "first;" same, line 5, for "section 2d" read "second."
- Resolution 21, House, page 148, line 10, for "Resolved" read "Resolved by the General Assembly of the Commonwealth of Kentucky."
- Resolution 24, House, page 149, line 3, for "General" read "Generals."
- Resolution 26, Senate, page 150, line 2, after "house" omit "what."
- Resolution 28, Senate, page 151, line 3 of title, for "science" read "sciences;" same, line 5 of resolution, for "science" read "sciences."
- Resolution 31, House, page 152, line 3, for "N. S. Shaler, the Governor," read "the Governor, N. S. Shaler."
- Resolution 33, House, page 153, line 7 of preamble, for "creditable" read "credible;" same, page 154, line 3, for "money not otherwise appropriated" read "money in the Treasury not otherwise appropriated."
- Resolution 38, Senate, page 155, line 1 of title, for "commissioner" read "commission;" same, line 4 of preamble, for "now a first" read "now first."
- Chapter 10, House bill, page 196, section 4, line 9, for the word "the" read "its."

ERRATA.

v

- Chapter 47, Senate bill, page 214, section 1, line 5, omit the word "and" at the beginning of the line.**
- Chapter 58, House bill, page 223, preamble, line 5, for "term to term" read "time to time."**
- Chapter 77, Senate bill, page 236, section 4, line 9, for "parties" read "justices."**
- Chapter 111, House bill, page 255, section 7, line 2, after the word "may" read "be."**
- Chapter 117, House bill, page 258, section 1, line 4, after the word "which" read "months."**
- Chapter 127, House bill, page 266, section 1, line 2, for "a act" read "an act."**
- Chapter 128, House bill, page 292, section 1, line 3, for "January 13" read "January 30."**
- Chapter 180, Senate bill, page 318, in preamble, line 2, for "failing" read "failed;" section 2, line 5, for "payments" read "payment."**
- Chapter 208, House bill, page 342, section 4, line 1, for "judge" read "judges."**
- Chapter 262, House bill, page 398, section 6, line 3, for "election" read "erection"**
- Chapter 267, House bill, page 409, section 4, line 18, for "of whose" read "of those whose."**
- Chapter 306, House bill, page 463, section 1, line 4, for "Kidinwaters" read "Gillenswaters;" same section, line 5, for "Boone county" read "Barren county;" same changes in title.**
- Chapter 313, House bill, page 470, section 6, line 1, for "on any" read "of any;" same section, line 6, for "repeat" read "report," and for "also" read "who."**
- Chapter 338, House bill, page 510, section 1, line 3, for "courts" read "county."**
- Chapter 339, House bill, page 510, section 1, line 9, for "set" read "act."**
- Chapter 341, House bill, page 512, section 1, line 1, for "Channing" read "Chowning;" section 3, line 1, for "corporation" read "association;" same section, line 6, for "treasury of the" read "treasury of the association;" section 12, line 2, for "of his widow" read "or his widow."**
- Chapter 350, House bill, page 520, section 1, line 9, after the word "five" omit "or."**
- Chapter 381, Senate bill, page 542, section 1, line 10, for "for either the" read "for the year."**
- Chapter 389, House bill, page 548, section 3, line 9, for "apportionment" read "appointment;" same section, line 10, for "apportionment" read "appointment."**
- Chapter 390, Senate bill, page 555, section 4, line 14, after the word "councilmen" read "and;" same section, line 15, omit the word "those;" section 10, page 561, line 24, for "sawyers" read "lawyers;" section 5, page 573, line 19, for "court" read "county;" section 16, page 579, line 10, after the word "credited" read "to;" section 2, page 591, line 6, after the word "for" read "and;" section 5, page 592, line 9, after the word "not" read "exceeding."**
- Chapter 395, Senate bill, page 602, section 3, line 19, after the word "directors" read "may."**

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PUBLIC ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT ON FRIDAY, THE THIRTY-FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED AND SEVENTY-FIVE.

JAMES B. McCREARY, *Governor.*
J. C. UNDERWOOD, *Lieut. Gov'r and Speaker of Senate.*
WILLIAM J. STONE, *Speaker House of Representatives.*
J. STODDARD JOHNSTON, *Secretary of State.*
THOS. E. MOSS, *Attorney General.*

CHAPTER 1.

AN ACT to provide for the holding of county courts when the judge is absent or cannot preside.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the county judge of any county in this State shall be absent, or unable from any cause to attend and hold the regular monthly county court, or if in attendance cannot properly preside, it shall be the duty of the county court clerk, upon being informed of such failure, to notify the justice of the peace residing nearest the court-house of said

Amends article 17, p. 306, Gen. Stat.

1876. county, and if his attendance cannot be procured the next justice in the county nearest the court-house, of the failure of the county judge to attend, or his inability to preside, and it shall be the duty of said justice to attend and hold said court, and for that purpose he is hereby vested with all the powers which are now or may be by law conferred upon the county judge; may cause the justices of the county to be summoned to attend and set with him if necessary to transact the financial business of the county, and to transact any and all business that said county judge might and could do if present and presiding; and for his services thus rendered, the county court, at their court of claims, shall make a reasonable allowance, to be levied and paid out of the county levy: *Provided*, That the allowance made the *pro tem.* judge be deducted from any allowance made the county judge by the court of claims.

§ 2. This act shall not apply to the county of Jefferson.

§ 3. This act shall take effect from and after its passage.

W. J. STONE,

Speaker of the House of Representatives.

JOHN C. UNDERWOOD,

Speaker of the Senate.

Approved January 12, 1876.

JAMES B. McCREARY.

By the Governor:

J. STODDARD JOHNSTON, *Secretary of State.*

CHAPTER 5.

AN ACT to change the time of holding circuit courts in the fifteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts in the fifteenth judicial district, composed of the counties of Whitley, Knox, Laurel, Rockcastle, Jackson, Clay, Bell, Harlan, Letcher, Perry, and Breathitt, shall be held as follows:

In the county of Knox, on the first Monday in March and Wednesday after first Monday in August, and continue in the spring twelve, and in the fall ten, judicial days.

In the county of Laurel, on the third Monday in March and August, and continue, each, twelve judicial days.

In the county of Clay, on the first Monday in April and September, and continue, each, twelve days. 1876.
Clay.

In the county of Jackson, on the third Monday in April and September, and continue six days. Jackson.

In the county of Rockcastle, on the fourth Monday in April and September, and continue, each, twelve days. Rockcastle.

In the county of Whitley, on the second Monday in May and October, and continue twelve days each. Whitley.

In the county of Bell, on the fourth Monday of May and October, and continue, each, six days. Bell.

In the county of Harlan, on the first Monday of June and November, and continue, each, six days. Harlan.

In the county of Letcher, on the second Monday of June and November, and continue six days. Letcher.

In the county of Perry, on the third Monday of June and November, and continue six days. Perry.

In the county of Breathitt, on the fourth Monday of June and November, and continue so long as the business may require. Breathitt.

§ 2. That all process, bail bonds, and recognizances shall be returnable at the terms of said courts herein specified and directed to be held.

§ 3. That all acts and parts of acts in conflict with this act are repealed to the extent of said confliction.

§ 4. This act shall take effect from its passage.

Approved January 14, 1876.

CHAPTER 28.

AN ACT to amend subsection two, section one, article four, chapter sixty-three, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That subsection two, section one, article four, chapter sixty-three, of the General Statutes, be and it is amended so as to read as follows: No judgment of sale shall be rendered until she files an answer to the petition consenting to the sale, and shall acknowledge the same on privy examination by the court, or by the judge of the court, or by a commissioner appointed by the court to take the same.

Amends subsection 2, art. 4, chap. 63, Gen. Stat., p. 592, and adds commissioner.

Approved January 25, 1876.

1876.

CHAPTER 31.

AN ACT to amend section two, article one, chapter twenty-eight, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Adds Breathitt to First Appellate District. Sec. 2, chap. 28, p. 276, Gen. Stat.

§ 1. That section two, article one, chapter twenty-eight, of the General Statutes, be, and it is amended, so as to include the county of Breathitt in the first appellate district.

§ 2. This act shall take effect from its passage.

Approved January 25, 1876.

CHAPTER 35.

AN ACT to amend section seven, article two, chapter ninety-two, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Ten dollars per day instead of one dollar for each 100 voters. Gen. Stat., p. 712.

§ 1. That section seven, article two, chapter ninety-two, of the General Statutes, be amended as follows: The owner or manager of any itinerant theatrical performance shall pay a tax of ten dollars for each day's performance or exhibition in a town or city whose population is less than twenty thousand.

§ 2. This act shall take effect from its passage.

Approved January 25, 1876.

CHAPTER 36.

AN ACT to change the time of holding the circuit courts in the thirteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Gen. Stat., p. 284

§ 1. That the time of holding the circuit courts in the various counties in the thirteenth judicial district shall be as follows, namely:

Bath 12 instead of 18 days.

Bath county, beginning the first Monday in March and September, and to continue twelve juridical days.

Menifee 3d Monday in March & September.

Menifee county, beginning the third Monday in March and September, and continue six juridical days.

Powell 4th Monday.

Powell county, beginning the fourth Monday in March and September, and continue six juridical days.

Estill county, beginning on the Monday succeeding the Powell circuit court, and continue nine juridical days. 1876.
Estill 9 days.

Lee county, beginning on the Thursday after the Estill circuit court, and continue nine juridical days. Lee 9 days.

Owsley county, beginning the Monday succeeding the Lee circuit court, and continue six juridical days. Owsley 6 days.

Wolfe county, beginning the Monday succeeding the Owsley circuit court, and continue six juridical days. Wolfe 6 days.

Morgan county, beginning the Monday succeeding the Wolfe circuit court, and continue nine juridical days. Morgan 9 days.

Elliott county, beginning the Thursday succeeding the Morgan circuit court, and continue nine juridical days. Elliott 9 days.

Montgomery county, beginning the Tuesday succeeding the Elliott circuit court, and continue twenty-three juridical days. Montgomery 23 days.

§ 2. That where warrants of arrest, summons, or other process, have been issued and executed, or may hereafter be executed, notifying or requiring any person or persons to appear at any of the circuit courts of said thirteenth judicial district at the time fixed by law before this act takes effect, the same shall be sufficient service for the appearance of said person or persons at the terms of said court as changed by this act.

Summons, &c.,
issued prior to
passage of this
act good for the
time herein.

§ 3. This act to take effect from and after the 1st day of March, 1876.

Approved January 25, 1876.

CHAPTER 42.

AN ACT to limit the jurisdiction and terms of the Henderson circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the Henderson circuit court shall have and exercise no jurisdiction in any civil action or proceeding, except such as may be prosecuted in the name and on behalf of the Commonwealth of Kentucky.

Jurisdiction in
civil cases only
in name of Com-
monwealth.

§ 2. All civil actions and proceedings now pending in said court are hereby transferred to the Henderson court of common pleas, and the clerk of said court is hereby directed to place the same on the proper dockets thereof.

All civil ac-
tions transferred
to Court of Com-
mon Pleas.

1876. § 3. The terms of said circuit courts, beginning on the first
September term
 24 days. Monday in September, shall continue for only twenty-four
 juridical days.

§ 4. This act shall take effect from its passage.

Approved January 25, 1876.

CHAPTER 43.

AN ACT to fix the terms and regulate the jurisdiction and proceedings of
 the Henderson court of common pleas.

*Be it enacted by the General Assembly of the Commonwealth of
 Kentucky :*

Amends sec.
 12, art. 10, p.
 292, Gen. Stat. § 1. That the Henderson court of common pleas shall hold,
 annually, three common law terms and two equity terms.
 The common law terms shall begin on the first Monday in
 February, June, and October, and continue, each, twenty-four
 juridical days, should the business of the court require it;
 and the equity terms shall begin on the second Monday in
 April and the first Monday in December, and continue, each,
 twenty-four juridical days, should the business of the court
 require it.

Regulate ap-
 peals. § 2. All appeals from judgments of the Henderson county
 court, of the Henderson quarterly court, and of justices'
 courts, as now provided by law to be taken to the circuit
 court in the county of Henderson in civil actions and pro-
 ceedings, shall be to the Henderson court of common pleas;
 and all bonds suspending the sale of property under execu-
 tions or under distress warrants, for sums exceeding fifty
 dollars, and all attachments for rent for sums exceeding fifty
 dollars, shall be returned to said court.

Process—when
 returnable. § 3. All appearances in said court shall be to the common
 law terms, to which all process shall be returnable, and shall
 be docketed for days in the first week of said terms on which
 the defense shall be due.

Filing of reply. § 4. The reply shall be filed, in common law actions, within
 ten days, and in equitable actions within twenty days after
 the answer is filed.

Time of trial. § 5. When the answer is filed in common law actions, or
 issue is joined in any common law proceeding, such actions
 and proceedings shall be placed at the foot of the docket, and

set for trial at some future day of the term to be fixed by the court.

1876.

§ 6. When the pleadings in equitable actions are completed, or by the provisions of this act should have been completed, or when any action has been referred to a commissioner, or judgment has been rendered in any action, such action shall be placed on the docket of the equity term of said court; and all actions in which the pleadings have been or should have been completed shall stand for trial at the equity term, beginning not less than sixty days thereafter; and all reports of commissioners shall be made to the equity terms of said court.

~~Transfer~~ of cases from common to equity docket.

When to stand for trial.

§ 7. The court, for good cause shown, may extend the time for filing any pleading, or may allow any pleading to be filed after the expiration of the time in this act prescribed, or may continue a cause.

Court may extend time for pleas or continue.

§ 8. If for lack of time any common law action or proceeding shall not be tried on the day for which it is set, it shall go to the foot of the docket and be set for some future day of the term, to be fixed by the court; and the court, instead of continuing a cause to a subsequent term, may continue and set it for some future day of the term.

When case not tried on day called, go to foot of docket and set.

§ 9. No jury shall be summoned for the first week of any common law term; but during said week all questions of law presented by the pleadings or amendments thereto, or by demurrer, shall, if practicable, be decided; and all motions shall be heard and determined, and final judgments rendered, whenever it can be done without the intervention of a jury or the trial of an issue of fact; and the said court at its common law terms shall not hear or determine any matter in equity except during the first week, as above provided in this section.

First week no jury; trials of demurrers, &c.; and judgments where no defense.

§ 10. The said court shall have power to recognize witnesses for their appearance in any case therein pending, as is now by law provided in criminal cases.

Power of court to recognize witnesses.

§ 11. All laws in conflict herewith are to that extent repealed.

§ 12. This act shall take effect from its passage.

Approved January 25, 1876.

1876.

CHAPTER 62.

AN ACT for the benefit of Cornelia Bush.

WHEREAS, Cornelia Bush, a married woman, has been elected State Librarian for the ensuing two years; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Cornelia Bush be, and she is hereby, empowered to execute the bond required by law of the State Librarian, and to do all acts and make all contracts within the scope of her official duties in the same manner, and with the same effect, as if she were a *feme sole*.

§ 2. That this act shall take effect from its passage.

Approved January 29, 1876.

CHAPTER 70.

AN ACT to authorize the inspectors of the penitentiary to have improvements made for the convenience of convicts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the inspectors of the penitentiary shall cause to be erected, at some suitable place inside of the walls of the penitentiary, a privy for the use of the female convicts, which shall be built of well burned bricks, and shall be thirty feet long, ten feet wide, and nine feet high, with nine-inch walls, stone foundation; it shall be covered with tin; it shall have four doors, two on each side; four windows, two at each end; the door and window sills shall be of stone. The other details of specifications is left to the inspectors. The privy shall be connected by a sewer of terra cotta pipe twenty-four inches in diameter (with grating to prevent the escape of prisoners) with the main sewer which leads from the penitentiary to the river. The inspectors shall also have pipes so laid and constructed as to convey the water from the buildings in the prison to the privy. They will direct the work to be done in such manner that the building erected shall be substantial and durable, suitable for the uses intended, and of good material, all the work done in a good and workmanlike order; and they shall reject and refuse to pay for any work done or materials furnished unless the same is such as directed herein.

Privy to be erected for use of females.

Size & material.

Sewer to be connected by terra cotta pipe, and how.

Building to be substantial, &c.

Unless work as directed herein, shall be rejected.

§ 2. The inspectors shall let the work to the lowest bidder, after they shall advertise the same, with specifications of the work to be done, for two weeks in some newspaper published in the city of Frankfort, Kentucky. They shall see that the work is properly done according to contract; and when the work is completed, and they accept the same, they shall certify that fact, together with the amount due the contractor or builder, which certificate, when examined and approved by the Governor, shall be a sufficient voucher upon which the Auditor shall draw his warrant on the Treasurer in favor of the builder for the amount due him: *Provided*, The entire cost of said building, sewer, and everything else herein authorized to be done, including advertising, which the Auditor will pay by warrant on the Treasurer upon the certificate of the inspectors that the account is correct, shall not exceed one thousand and fifty dollars.

1876.

To advertise & let to lowest bidder.

To certify amount due contractor.

What a voucher.

Auditor to pay by warrant.

§ 3. This act shall take effect from its passage.

Approved February 1, 1876.

CHAPTER 88.

AN ACT to regulate the holding of circuit courts in the sixteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts in the sixteenth judicial district shall commence, and the duration thereof be, if the business require it, as herein prescribed (the word "days" being used for juridical days), namely:

Gen. Stat., p. 285.

The county of Pike shall commence on the first Mondays of March and September, and continue eight days.

Pike 8 days.

Begin in the county of Floyd on the first Wednesday after the end of the Pike court, and continue ten days.

Floyd 10 days.

Begin in Johnson county on the first Monday after the end of the Floyd court, and continue six days.

Johnson 6 days.

Begin in Magoffin county on the first Monday after the end of the Johnson court, and continue six days.

Magoffin 6 days.

Begin in Carter county on the second Monday after the end of the Magoffin court, and continue eighteen days.

Carter 18 days.

Begin in Martin county on the first Monday after the end of the Carter court, and continue six days.

Martin 6 days.

1876. Begin in Lawrence county on the first Monday after the end
Lawrence 12 days. of the Martin court, and continue twelve days.

Boyd 24 days. Begin in Boyd county on the first Monday after the end of
 the Lawrence court, and continue twenty-four days.

§ 2. The act, entitled "An act to provide for holding a term
Act February 6, 1874, repealed. of the Carter circuit court for the trial of equity causes and
 motions triable by the court," approved February 6, 1874, is
 hereby repealed.

§ 3. This act shall take effect and be in force from and after
 the first day of September next.

Approved February 4, 1876.

CHAPTER 90.

AN ACT to amend section eight of article seven of chapter eighteen of
 General Statutes.

*Be it enacted by the General Assembly of the Commonwealth
 of Kentucky:*

§ 1. That section eight of article seven of chapter eighteen
Page 226, Gen. Stat. of General Statutes be so amended as to authorize the county
 commissioner to give a trustee six months additional time in
 which to build a school-house, whenever in his judgment it
 shall be expedient.

§ 2. This act to be in effect from and after its passage.

Approved February 4, 1876.

CHAPTER 92.

AN ACT to amend an act, entitled "An act to secure the payment into the
 Treasury of all fines, taxes, and license fees collected by trustees of the
 jury fund, clerks, and other officers," approved February 23, 1874.

*Be it enacted by the General Assembly of the Commonwealth
 of Kentucky:*

§ 1. That section three of an act, entitled "An act to se-
Act 23d February, 1874. cure the payment into the Treasury of all fines, taxes, and
 license fees collected by trustees of the jury fund, clerks, and
 other officers," approved February 23, 1874, be, and is hereby,
 amended so as to add to said section the following, to-wit:
And provided further, That justices of the peace, constables,

and police judges in the counties of Campbell and Kenton, residing nearer or more accessible to Alexandria, in Campbell county, than to Newport, and nearer or more accessible to Independence, in Kenton county, than to Covington, may make the reports required of them by said act to the proper court at Alexandria and Independence, respectively.

1873.
Application alone
to Campbell and
Kenton.

§ 2. This act shall be in force from and after its passage.

Approved February 4, 1876.

CHAPTER 95.

AN ACT empowering the Governor of this Commonwealth to appoint a sheriff for Breathitt county, and agree with him as to compensation.

WHEREAS, It is represented to this General Assembly that there is no sheriff in the county of Breathitt, and that, in consequence of the small amount of business done in said county, and the rough country over which a sheriff is compelled to travel, no one can be found to accept of the appointment of sheriff at the present rate of fees allowed for collecting the revenue and county levy of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor of this Commonwealth is hereby empowered to appoint and commission some suitable person as sheriff for the county of Breathitt, to serve until the August election, 1877, and agree with him as to compensation for collecting the revenue and county levy due from said county for the year 1876, at a commission on each one hundred dollars not greater than fifteen per cent. Said sheriff shall execute in the Breathitt county court the several bonds required of sheriffs of this Commonwealth, and take the same oaths.

Governor to
appoint sheriff.

Commission 15
per cent.

§ 2. This act shall take effect from its passage.

Approved February 4, 1876.

1876.

CHAPTER 108.

AN ACT to exempt the county of McCracken and other counties from the provisions of section four, article three, chapter twenty-seven, General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Are made tith-
ables and subject
to county levy.
P. 274, Gen. Stat.

That the provisions of section four, article three, chapter twenty-seven, of the General Statutes, shall not apply to the following counties: McCracken, Shelby, Hickman, Barren, Union, Livingston, Crittenden, Nicholas, Robertson, Hancock, Muhlenburg, Hopkins, Adair, Hardin, and Graves.

Approved February 5, 1876.

CHAPTER 109.

AN ACT to amend an act, entitled "An act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the courts of common pleas in the district composed of the counties of Fayette, Bourbon, Madison, Scott, Woodford, Bath, and Clark shall be held as follows:

In the county of Fayette, on the first Monday in April in the second Monday in September, and each term shall continue twenty-four juridical days, if the business shall require it. The January term of said court is abolished.

January term
abolished.

In the county of Madison, on the second Monday in January and the first Monday in June, each term to continue twelve juridical days, if the business shall require it.

Madison 12 days
—2d Mondays in
January & June.

In the county of Bourbon, on the first Mondays in March and July, each term to continue twelve juridical days, if the business shall require it.

Bourbon, 1st
Mondays in
March & July—
12 days.

In the county of Bath, on the first Mondays in May and November, each term to continue twelve juridical days, if the business shall require it.

Bath, 1st Mon-
days in May and
November—12
days.

In the county of Woodford, on the fourth Monday in January and the third Monday in June, each term to continue twelve juridical days, if the business shall require it.

Woodford, 4th
Monday in Janu-
ary and 3d Mon-
day in June—12
days.

In the county of Scott, on the third Monday in July and on the second Monday in December, each term to continue twelve juridical days, if the business shall require it.

Scott, 3d Mon-
day in July and
2d Monday in
December—12
days.

LAWS OF KENTUCKY.

In the county of Clark, on the second Monday in February and the second Monday in August, each term to continue twelve juridical days, if the business shall require it: *Provided*, That the change herein made for holding said court in the county of Clark shall not take effect until after the next ensuing term of said court in said county.

1876.

Clark, 2d Monday in February and August—12 days.

§ 2. When there are cases pending in the circuit court, and also in the court of common pleas, in same county, affecting the same property, or the rights of the same parties in regard to the same subject-matter, all the cases may be transferred to either court, and the order for their transfer may be made by either court.

Transfer of cases.

§ 3. In case of the issual of any summons, or the making of any warning order, by which any party or parties may be summoned or warned to appear in any court the common pleas district at the time heretofore provided by law for holding said court, instead of the time as herein provided, said summons, if it be in an ordinary action, shall be returnable to the first regular term after its issual, if there shall be ten days between the issual of said summons and the first day of the next regular term after the date of its issual; and the party or parties so summoned shall appear at the term of the court to which said summons, by the terms of this act, is returnable, if in an equitable action, at the first term after its issual, if there shall be twenty days between the issual of said summons and the first day of the next regular term, and if not, to the second regular term; and the party or parties shall appear at the term to which, by the provisions of this act, such summons is returnable. Parties warned to appear by warning order shall appear at the next regular term of the court after the making of said order, if sixty days intervene between the making thereof and the first day of said term; and if sixty days do not intervene between the making of said order and the first day of the next regular term, then said parties shall appear at the second regular term after the making of the order.

Return of summons in common law.

Return of summons in equity.

Warning order.

§ 4. The judge of the common pleas court shall have the same power to grant injunctions and issue and try writs of *habeas corpus* as circuit judges have by law.

Injunctions.
Habeas corpus.

§ 5. That article seven, chapter twenty-eight, of the General Statutes, be, and the same is hereby, re-enacted and

Election of special judges.
Gen. Stat., p. 286.

1876. made to apply to special judges of the common pleas court as fully as it does to special circuit judges.

§ 6. That this act shall take effect from and after its passage.

Approved February 5, 1876.

CHAPTER 112.

AN ACT for the benefit of county judges, clerks, sheriffs, and other civil officers of the Commonwealth having uncollected fee bills.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Two years
further time to
collect fees.

§ 1. That all civil officers of this Commonwealth, now or heretofore in office, or their personal representatives, shall have the further time of two years from the passage of this act in which to collect and distrain for their uncollected fee bills, subject, however, to all the penalties now in force for the issuing and collecting of illegal fee bills.

§ 2. That this act shall take effect from and after its passage.

Approved February 5, 1876.

CHAPTER 120.

AN ACT to amend an act, entitled "An act to amend article one, chapter fifty-nine, of the General Statutes," and to repeal an act, entitled "An act to regulate the sale and storage of oils made from coal, petroleum, and other bituminous substances, and for the better protection of life and property," approved March 21st, 1870, and the acts amendatory thereto, severally approved February 24th, 1873, and March 8th, 1873, and further regulate the inspection and gauging burning fluids, approved February 21st, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Page 356, Gen.
Stat.

§ 1. That the above recited act, approved February 21st, 1874, be, and the same is hereby, amended by striking out the following words of the second section of said act: "The inspector shall remain in office till removed by the court for misconduct, negligence, or incompetency," and in lieu thereof insert the following words: "The inspectors shall hold office for four years from the time of their appointment."

Inspector's
term of office
fixed at 4 years.

§ 2. That the inspectors heretofore appointed under the provisions of the law to which this is an amendment shall hold their office for four years from the approval of this act.

1876.

§ 3. This act to take effect from its passage.

Approved February 8, 1876.

CHAPTER 133.

AN ACT to regulate the call and trial of Commonwealth and civil causes pending in the Hardin circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. It shall be the duty of the judge of the Hardin circuit court, at the expiration of the first ten juridical days of each term of said court, to call for trial the causes on the civil docket of said court.

See act establishing criminal court.

§ 2. If, at the expiration of the time mentioned in the first section of this act, any Commonwealth causes are left on the docket undisposed of, it shall be the duty of the court to continue such prosecutions until the next regular term of the court, except prosecutions for felony or where the parties are in jail, which shall be entitled to precedence, as now provided by law, and shall proceed without being restricted or affected by the provisions of this act; and all laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from its passage, and continue in force for two years thereafter.

Approved February 9, 1876.

CHAPTER 144.

AN ACT for the benefit of licensed keepers of stud-horses, jacks, and bulls of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the licensed keepers of stud-horses, jacks, and bulls in this Commonwealth have a lien upon the get of such for the space of one year after birth of same for the payment of service of said stud-horse, jack, or bull.

Lien for fees for one year.

1876.

§ 2. This act shall not apply to a bona fide purchaser without notice of such lien.

§ 3. This act shall take effect from and after its passage.

Approved February 11, 1876.

CHAPTER 154.

AN ACT to amend chapter fifty-two of the General Statutes, entitled "Husband and Wife."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Page 322, Gen. Stat. Amends, wife of an infant, or an idiotic, insane, or imbecile husband, whether she be over 21 years or not.

May unite with guardian of committee, or with commissioner of court.

Infant wife may unite with adult husband by order of court in conveyance.

May consent to sale of husband's real estate by answer & privy examination, either in court or by commissioner.

§ 1. That section eight, article two, of chapter fifty-two, of the General Statutes, be so amended as to read as follows: "The wife of an infant husband, or of a husband judicially declared an idiot or lunatic or imbecile, if she be of the age of twenty-one years, or if not, with the approval of the circuit court, on such terms as it deem equitable, may unite with his guardian or committee, or with the commissioner of the court, in the conveyance of his real estate, so as to release her prospective right of dower where a sale and conveyance thereof is ordered to be made by the guardian or committee, or by the commissioner or other officer of the court. A wife not of full age may also be permitted by the circuit court to unite with her adult husband in the conveyance of his real estate, without terms, or on such as may be deemed equitable, so as to release her prospective right of dower. If in judicial proceedings to sell the real estate of an infant husband, or of a husband judicially declared an idiot, imbecile, or lunatic, his wife is made a party defendant, and by her answer, and on privy examination in open court, or by the judge of the court wherein such proceedings are pending, or by a commissioner appointed by the court to take the same, she consents to the sale of such property, free from her prospective right of dower, either without terms or on terms by her designated, the court may, if it deem the terms of such consent equitable, order the sale of such property, free from her prospective right of dower, upon the terms of consent proposed by such wife.

§ 2. This act shall go into force from and after the day of its passage.

Approved February 11, 1876.

CHAPTER 167.

1876.

AN ACT to amend article eleven, of chapter ninety-two, of the General Statutes, title "Revenue and Taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That judgments when given against the defendants in the cases referred to in sections one, two, three, four, and five, of article eleven, chapter ninety-two, of the General Statutes, shall be for the principal due, with interest, at the rate of ten per centum per annum, from the time of the defalcation until paid.

Judgments for revenue to bear 10 per cent. interest from date of default. Repeals sec. 6, p. 741, Gen. Stat.

§ 2. Section six of article eleven of said chapter is hereby repealed.

§ 3. This act shall be in force from its passage.

Approved February 14, 1876.

CHAPTER 197.

AN ACT to provide for continuing the Geological and other Surveys of the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Geological and other Surveys of the Commonwealth, provided for and ordered by the acts approved respectively March 22, 1873, and February 13, 1874, be, and the same are hereby, continued, subject to the conditions set forth in these enactments, except so far as is hereafter provided.

Continue Survey for two years.

See p. 27, Acts 1873 and 1874.

§ 2. That the maps, reports, and other publications of the Survey shall be disposed of and distributed as follows: one copy shall be given to each member of the State Government; and three copies, for distribution in their respective counties, to each member of the General Assembly; one to each county and circuit clerk's office, to be filed and retained therein as the property of the State, and to be retained therein for information and reference by the citizens of said county; five copies to each officer of the Survey engaged in the preparation thereof; three hundred copies shall be distributed to the various public libraries and other public institutions and

Distribution of maps, &c., and to whom.

1876. men of science in this and other countries in the manner most likely to diffuse knowledge of the resources of the State, and to aid in developing its industries; that the remainder of the copies printed, from time to time, shall be offered for sale, as may be directed by the Governor of this Commonwealth, at the actual cost of printing, binding, and distributing the same.

Remaining
copies may be
sold, and price.

Appropriates
\$22,000, and how
to be expended.

§ 3. For the maintenance of the Surveys, as above provided, there is hereby appropriated, from any moneys in the Treasury not otherwise appropriated, as follows: For the further Geological investigation of the State, including the salaries of the director and his Geological assistants, and their field expenses, six thousand dollars per annum; for the Topographical Survey, including the salaries of assistants and field expenses, four thousand dollars per annum; for the salaries of the chemical assistants and their office expenses, three thousand dollars per annum; for the preparation of stereotype and lithographic plates, and press-work, paper, and the other expenses of printing the reports, maps, &c., seven thousand dollars per annum: *Provided*, The printing and binding authorized by this act shall be duly advertised, and let to the lowest responsible bidder, under the direction and supervision of the Governor and director of the Survey. For the outfit, expenses of the Survey, the purchase of horses and wagons, instruments, &c., and for office expenses, one thousand dollars per annum; for the purchase of cases, and the expense incident to collections at the State Cabinet and elsewhere, as provided and declared in the act approved March 22, 1873, one thousand dollars per annum: *Provided, however*, That the money not required for any of the purposes specified above may be used for the other specified purposes; and no part of the amount set apart for plates, printing, &c., shall be used for any other purpose until the publication shall be fully completed.

Expires at end
of two years

§ 4. This act shall take effect from and after its passage, and expire at the end of two years from and after passage.

Approved February 19, 1876.

CHAPTER 211.

1876.

AN ACT regulating the jurisdiction of the circuit court for the ninth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit court for the ninth judicial district shall, from and after the 1st day of September, A. D. 1876, have original and exclusive jurisdiction of all indictable misdemeanors committed within the corporate limits of the city of Louisville and in the county of Jefferson. Jurisdiction.

§ 2. From and after the said date of September the 1st, 1876, the said circuit court for the ninth judicial district shall hold monthly terms, except for the months of July and August; said terms to commence on the first Monday of each month, and continue as long as business may require. Monthly terms, except in July and August.

§ 3. It shall be the duty of the judge of the circuit court of the ninth judicial district, from and after said date of September, 1876, to try any causes which may be assigned to him by the judge of the Jefferson court of common pleas. In the trial and determination of said causes so assigned, he shall be governed by the rules of the said Jefferson court of common pleas; and all orders and proceedings, trials and judgments before him, shall be as valid as if done before the judge of said court. Causes in common pleas court may be assigned, and by what rules governed.

§ 4. No action, finding, or decision of the judge of the Jefferson court of common pleas, shall in any cause be set aside, annulled, or modified by the judge of the circuit court; nor shall any action, finding, or decision of the judge of the said circuit court, in the causes so assigned him, be set aside, annulled, or modified by the judge of the Jefferson court of common pleas, or by the vice chancellor. New trials in the causes so assigned to the judge of the circuit court may be granted only by him. No action, finding, or decision of common pleas court to be set aside, &c., by this court, and vice versa.

§ 5. It shall not be necessary, in such cause tried by the judge of the said circuit court, that the record shall show that said judge had jurisdiction of said cause; but his jurisdiction shall be conclusively presumed if the Jefferson court of common pleas had jurisdiction to try such cause. Jurisdiction resumed.

§ 6. An indictment pending in the Louisville city court at the time this act takes effect may be proceeded with to final trial and judgment in said court, or may be, by order of said Indictments in Louisville city court to be proceeded with, or may be transferred.

1876. court, transferred to the said circuit court to be disposed of; and in such cases the original papers and copies of orders made therein shall be forwarded to said circuit court.

Ninth judicial district composed of Jefferson county.

§ 7. From and after the 1st day of September, 1876, the county of Jefferson shall constitute the ninth circuit court judicial district.

§ 8. All other general and special acts and parts of acts in conflict herewith are hereby repealed.

Exclusive jurisdiction of misdemeanors not to apply until January, 1878.

§ 9. That this act shall take effect and be in force from the first day of September, 1876: *Provided*, That so much of this act as gives exclusive jurisdiction to the Jefferson circuit court of indictable misdemeanors shall not apply to said court until the first day of January, 1878.

Approved February 23, 1876.

CHAPTER 225.

AN ACT to regulate the time of holding the circuit courts of the second judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the terms of the circuit courts shall hereafter be as follows, viz:

Hopkins, 2d Mondays in February and August—18 days.

In the county of Hopkins, on the second Mondays in February and August, and continue eighteen juridical days, if the business require it.

Trigg, 1st Mondays in March & September—18 days.

In the county of Trigg, on the first Mondays in March and September, and continue eighteen juridical days, if the business require it.

Caldwell, 1st Mondays in April and October—24 days.

In the county of Caldwell, on the first Mondays in April and October, and continue twenty-four juridical days, if the business require it.

Lyon, 1st Mondays in May and November—18 days.

In the county of Lyon, on the first Mondays in May and November, and continue eighteen juridical days, if the business require it.

Christian, 4th Mondays in May and November—30 days.

In the county of Christian, on the fourth Mondays in May and November, and continue thirty juridical days, if the business require it.

§ 2. This act, so far as it relates to Hopkins and Trigg counties, shall be in force and take effect four months after

its passage; and as to the counties of Caldwell, Lyon, and Christian, shall be in force from its passage; and is intended, when it takes effect, to repeal all other acts heretofore passed fixing the times of holding said courts.

1876.

Approved February 23, 1876.

CHAPTER 227.

AN ACT to establish a criminal court for the counties of Davless, Hancock, Ohio, Meade, Breckinridge, and Grayson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a court of justice in and for the fifth judicial district in this Commonwealth (except as to the county of Hardin), which shall be known as the criminal court for said district, to be a court of record, held by a single judge, who shall have the same qualifications and receive the same salary as the circuit judges of this Commonwealth, which shall be paid him from the State Treasury in like manner. He shall be a conservator of the peace, and have and exercise all the powers of a circuit judge in criminal and penal cases, issuing and receiving the returns, and hearing writs of *habeas corpus*; be commissioned and sworn as circuit judges are, and be subject to impeachment and removal in like manner and for like causes.

Criminal court for 5th judicial district.

Not to apply to Hardin.

Qualifications & salary of judge and powers.

§ 2. The judge shall be elected at the August election, 1876, and continue in office six years. Vacancies shall be filled in the office of said judge as is provided for circuit courts, and the same practice and fees, as far as applicable, shall prevail in said court as in circuit courts; and said court shall have a seal bearing its name and the arms of the Commonwealth.

First election August, 1876.

Vacancy, practice, and fees.

§ 3. The sheriffs, jailers, coroners, and other ministerial officers of said district, shall perform all the duties in all cases and proceedings in said court which would otherwise devolve upon them in the circuit court, and they shall be entitled to the same fees therefor; and they and their sureties shall be responsible on their official bonds for their acts in said court. The clerks of the circuit courts in the several counties in said district shall perform all the clerical duties of said court, and shall style themselves the clerks of the crim-

Duties of ministerial officers & their fees.

Shall style themselves "clerk of the criminal court," &c.

1876. inal court for the county in which each of them may be circuit court clerk, and shall be responsible on their bonds for the faithful discharge of their duties herein. Immediately after the first day of August, 1876, the said clerks shall transfer all criminal and penal causes from the docket of the circuit court to the docket of the criminal court in each county, which causes shall thereafter be disposed of in said criminal court, and said circuit court shall no longer have cognizance of any criminal or penal causes or plea of the Commonwealth in said district.

Transfer of cases.

Jurisdiction.

Concurrent jurisdiction.

§ 4. The said criminal court shall have all the jurisdiction in criminal and penal causes and proceedings which the circuit courts have, and which may be conferred upon said courts; and it shall take the place of the circuit courts in the counties of said district (except Hardin county) in such jurisdiction; and it shall have concurrent jurisdiction with the circuit court in inquests of lunacy and idiocy, and, exclusive of the circuit court, in allowing claims connected with the business of said criminal court.

§ 5. The regular terms of said criminal court shall be held as follows, viz:

Terms — Daviess 14 days.

In the county of Daviess, in the city of Owensboro, commencing on the first Monday of September and March, to continue twenty-four juridical days.

Ohio 12 days.

In the county of Ohio, at Hartford, commencing on the first Monday in October and April, to continue twelve juridical days.

Grayson 12 days.

In the county of Grayson, at Litchfield, on the third Monday in November and March, to continue twelve juridical days.

Breckinridge 12 days.

In the county of Breckinridge, at Hardinsburg, commencing on the first Monday in December and June, to continue twelve juridical days.

Meade 12 days.

In the county of Meade, at Brandenburg, commencing on the third Monday in December and June, to continue twelve juridical days.

Hancock 12 days.

In the county of Hancock, at Hawesville, commencing the first Monday in November and May, to continue twelve juridical days.

May extend terms, and how.

§ 6. The said court shall extend any of its terms, if the business shall require it, by making an order to that effect on the record at a regular term while in session: *Provided*,

Said extension may not interfere with the regular terms in another county; and the court or judge may appoint special terms for any business of the court in the same manner that circuit courts or judges may appoint special terms of such courts. The said criminal court shall have full power to make all proper rules and regulations to facilitate its business, not inconsistent with the Constitution and laws of the State; and its judgments and final orders shall be subject to appeals in like manner as those of circuit courts; and it shall have full power to attach for and punish contempts of its authority. The Commonwealth's Attorney for said district shall attend each term of said court, and represent the Commonwealth, and discharge all the duties and be entitled to the same compensation as now provided by law for attending circuit courts.

1876.

Special terms.

May make rules and regulations to facilitate business.

Appeals.

Commonwealth attorney shall attend, and compensation.

§ 7. In the selection and summoning jurors in the trials by jury, and payment of jurors in said court, the same shall be governed by the laws at this date applicable to circuit courts. The circuit courts in said counties, at the term in each county next preceding the time that this act takes effect, shall cause jurors to be selected in the same manner required by law for the first term of the criminal court in such county, and make all bail bonds and recognizances taken at such term of the circuit court returnable for the appearance of the party bound to appear at such first term of the criminal court; and all magistrates and examining courts in each county shall, after this act takes effect, make all bail and peace bonds and recognizances returnable to the criminal court for such county.

Summoning jurors.

Duty of circuit court in regard to.

§ 8. Special judges for said criminal court may be elected for the same causes and in the same manner as in the circuit courts; and the provisions of the law in relation to record-books, presses, seals, stationery, and other expenses in circuit courts, shall be applicable to this court.

Special judge may be elected. Art. 7, chap. 28, Gen. Stat.

§ 9. All reports and returns required to be made to the circuit court by circuit court clerks, county clerks, county court judges, police judges, justices of the peace, sheriffs, marshals, constables, and all civil officers and other persons having fines and forfeitures or other funds in their hands belonging to the jury fund, shall be made exclusively to the criminal court; and all the powers and duties of the circuit court respecting the same are hereby transferred exclusively to the criminal court.

Reports, &c., of certain civil officers.

1876. § 10. Nothing herein shall be so construed as to take from the circuit court the power to make provision for the payment of the jurors of the circuit court.

Judge of circuit
court may sit,
&c.

§ 11. The judge of the circuit court in the fifth judicial district may hold the criminal court in the counties aforementioned, or preside for the trial of any action pending therein, if the judge of the criminal court be absent or cannot preside from any cause. In case neither the regular judge nor circuit judge is present, or, if present, cannot properly preside, an election of a special judge may be held in the same manner prescribed by law for the election of a special judge in the circuit courts; and the law in relation to compensation of a special judge in the circuit court shall apply to the case of a special judge in this court. The criminal judge may also preside in the circuit court as judge or chancellor whenever the regular judge is absent or cannot preside.

§ 12. All laws within the purview of this act, and inconsistent herewith, are repealed after this act goes into effect, which shall be on the first Monday in August next, and continue in force six years.

Approved February 23, 1876.

CHAPTER 228.

AN ACT to establish a criminal court in the sixth judicial district and Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Criminal court
of the 6th judicial
district.

Qualifications
of judge, and
powers.

Commissioned.

§ 1. That there is hereby established a court of justice in and for the sixth judicial district in this Commonwealth, and for the county of Hardin, which shall be known as the criminal court for the sixth judicial district and county of Hardin, to be a court of record, held by a single judge, who shall have the same qualification, and receive the same salary, as the circuit judges of this Commonwealth, which shall be paid him from the State Treasury in like manner. He shall be a conservator of the peace, and have and exercise all the powers of a circuit court judge in criminal and penal cases, issuing writs, receiving returns, and hearing writs of *habeas corpus*; he commissioned and sworn as circuit court judges are, and

be subject to impeachment and removal in like manner and for like causes.

1876.

§ 2. The judge shall be elected at the August election, 1876, and continue in office six years. Vacancies shall be filled in the office of said judge as is provided for circuit courts, and the same practice, as far as applicable, shall prevail in said court as in circuit courts, and said court shall have a seal bearing its name and the arms of the Commonwealth.

Election August, 1876. Term of office.

Seal, &c.

§ 3. The sheriffs, jailers, coroners, and other ministerial officers of said sixth district and county of Hardin shall perform all the duties in all cases and proceedings in said court which would otherwise devolve on them in the circuit court, and they shall be entitled to the same fees therefor, and they and their sureties shall be responsible on their official bonds for their acts in said court. The clerks of the circuit courts in the several counties in said sixth district and county of Hardin shall perform all the clerical duties of said court, and shall style themselves the clerks of the criminal court for the county in which each of them may be circuit court clerk; and the said clerks shall be, with their sureties, responsible on their bonds for the faithful discharge of their duties herein. Immediately after the first day of August, 1876, said clerks shall, without fee, transfer all criminal and penal causes from the docket of the circuit court to the docket of the criminal court in each county, which causes shall thereafter be disposed of in said criminal court; and said circuit court shall no longer have cognizance of any criminal or penal causes or plea of the Commonwealth in said sixth district and county of Hardin.

Duties of sheriffs, clerks, &c., and fees.

Hardin county.

Transfer of criminal and penal causes.

§ 4. The said criminal court shall have all the jurisdiction in criminal and penal causes and proceedings which the circuit courts have, and which may be conferred upon said court; and it shall take the place of the circuit courts in the counties of said district and county of Hardin such jurisdiction; and it shall also have concurrent jurisdiction with the circuit court in inquests of lunacy and idiocy, and be exclusive of the circuit court in allowing claims connected with the business of said criminal court.

Jurisdiction.

§ 5. The regular terms of said criminal court shall be held as follows, viz:

Terms.

1876.

Adair.

In the county of Adair, in Columbia, commencing on the third Mondays of April and October, and continue twelve judicial days each.

Clinton.

In the county of Clinton, in Albany, commencing on the first Mondays of May and November, and continue six judicial days each.

Cumberland.

In the county of Cumberland, in Burksville, commencing on the second Mondays of May and November, and continue twelve judicial days each.

Monroe.

In the county of Monroe, in Tompkinsville, commencing on the fourth Mondays of May and November, and continue six judicial days each.

Barren.

In the county of Barren, in Glasgow, commencing on the third Mondays of June and December, and continue twelve judicial days each.

Hart.

In the county of Hart, in Munfordville, commencing on the third Mondays of July and January, and continue twelve judicial days each.

Green.

In the county of Green, in Greensburg, commencing on the first Mondays of July and January, and continue twelve judicial days each.

Metcalf.

In the county of Metcalf, in Edmonton, commencing on the second Mondays of August and February, and continue six judicial days each.

Allen.

In the county of Allen, in Scottsville, commencing on the fourth Mondays of August and February, and continue six judicial days each.

Hardin.

In the county of Hardin, in Elizabethtown, on the second Mondays in April and October, and continue twelve judicial days each.

Right and mode
of extending
terms.

§ 6. The said court shall extend any of its terms, if the business shall require it, by making an order to that effect on the record at a regular term while in session: *Provided*, Said extension may not interfere with the regular term in another county; and the court or judge may appoint special terms for any business of the court in the same manner that circuit courts or judges may appoint special terms of such courts. The said criminal court shall have full power to make all proper rules and regulations to facilitate its business, not inconsistent with the Constitution and laws of the State, and its judgments and final orders shall be subject to appeals in

Special terms.

Appeals.

like manner as those of circuit courts, and it shall have full power to attach for and punish contempts of its authority. The Commonwealth Attorney for said sixth district shall attend each term of said court, and represent the Commonwealth, and discharge all the duties, and be entitled to the same compensation, as now provided by law for attending circuit courts.

1876.

Commonwealth attorney.

§ 7. In the selection and summoning jurors, in the trials by jury, and payment of jurors in said court, the same shall be governed by the laws at the date applicable to circuit courts. The circuit courts in said district, at the term in each county next preceding the time that this act takes effect, shall cause jurors to be selected in the manner required by law for the first term of the criminal court in such county, and make all bail bonds and recognizances taken at such term of the circuit court returnable for the appearance of the party bound to appear at such first term of the criminal court; and all magistrates' and examining courts in each county shall, after this act takes effect, make all bail and peace bonds and recognizances returnable to the criminal court of such county.

Selection and summoning jurors.

Chapter 6a, Gen. Stat., p. 570, et seq.

§ 8. Special judges for said criminal court may be elected for the same causes and in the same manner as in the circuit courts, and the provisions of the law in relation to record-books, presses, seals, stationery, and other expenses in circuit courts, shall be applicable to this court.

Special judge.

Books, &c.

§ 9. All reports and returns required to be made to the circuit court by circuit court clerks, county clerks, county court judges, police judges, justices of the peace, sheriffs, marshals, constables, and all civil officers and other persons having fines and forfeitures or other funds in their hands belonging to the jury fund, shall be made exclusively to the criminal court; and all the powers and duties of the circuit court respecting the same are hereby transferred exclusively to the criminal court.

Reports, &c., of civil officers to be made to this court.

§ 10. The judge of said criminal court and the judge of the sixth judicial district and of the fifth judicial district may interchange and hold terms of court for each other in their respective circuits and counties, or either of said judges may preside at the trial of any action or prosecution pending for trial if the regular judge be absent, or, if present, cannot

1876. from any cause preside on the trial. In case neither the regular judge of said criminal court nor one of said circuit court judges are present, or, if present, cannot properly preside, an election of a special judge may be held in manner prescribed by law for the election of a special judge in the circuit courts; and the law in relation to compensation of special judges in the circuit court shall apply to the case of a special judge in this court.

Art. 7, p. 286,
Gen. Stats.

§ 11. Nothing herein shall be so construed as taken from the circuit court the power to make provision for the payment of the jurors of the circuit court.

§ 12. All acts in conflict with this act are repealed.

§ 13. This act shall take effect from and after the last day of July next.

Approved February 23, 1876.

CHAPTER 232

AN ACT releasing the stock of the State of Kentucky in the turnpike road leading from the mouth of Salt river to Elizabethtown, in Hardin county.

WHEREAS, The State of Kentucky owns eight hundred and forty-five shares of stock in the turnpike leading from the mouth of Salt river to Elizabethtown, all lying in Hardin county, and the said road having failed to declare any dividend for a number of years the stock of said road is worthless to the State; and whereas, also in pursuance of a provision in the charter of said turnpike the toll-gates on said road have been thrown open, because said road was not kept in repair, the tolls being wholly insufficient for that purpose; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the State of Kentucky does hereby give, grant, and forever release, to the county court of Hardin, all the stock she has and holds in said turnpike road company, amounting to eight hundred and forty-five shares, to be owned and controlled by said county court in keeping said road in repair.

§ 2. This act to take effect from and after its passage.

Approved February 25, 1876.

CHAPTER 243.

1876.

AN ACT to improve the navigation of the South Fork of the Kentucky river, in Clay county, on the narrows of said river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of six thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of improving the South Fork of the Kentucky river, between the mouth of Newfound creek and the mouth of Crane creek, in Clay county, on the narrows of said river.

Appropriates \$6,000 to improve South Fork of Ky. river.

§ 2. That Gen. T. T. Garrard and Allen E. Robinson, of Clay county, are hereby appointed commissioners to apply and properly appropriate the said sum of money for the purpose named in section one of this act; but before said commissioners shall act, they shall each enter into bond in the Clay county court, with sufficient surety, for the faithful performance of their duties, and take an oath that they will faithfully and truly apply and appropriate the sum of six thousand dollars to the improvement of the navigation of the South Fork of the Kentucky river, between the mouth of Newfound creek and the mouth of Crane creek, in Clay county.

T. T. Garrard & Allen E. Robinson, commissioners, to give bond and take oath.

§ 3. The Auditor of Public Accounts, upon the requisition of said commissioners, or any two of them, accompanied with a certified copy of their bond, and a statement of their expenditures to date, is hereby directed to draw his warrant upon the Treasurer for such sums of money as may be necessary to pay their contracts and expenses, not exceeding the amount above appropriated. A vacancy in the commission may be filled by appointment of the Governor.

Auditor to draw warrant.

§ 4. The said commissioners shall each be allowed the sum of three dollars per day for the time they are actually engaged in the duty hereby assigned them. They shall make a full report of all their acts and doings at the next session of the General Assembly.

Vacancy in commission to be filled by Governor.

Commissioners allowed \$3 00 per day, each.

§ 5. This act shall take effect from its passage.

Approved February 25, 1876.

1876.

CHAPTER 246.

AN ACT to add Robertson county to the criminal court district known as the criminal court for the counties of Kenton, Campbell, Harrison, Bracken, and Pendleton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Amends article
11, Gen. Stats.,
p. 292, &c., and
section 10.

§ 1. That the county of Robertson be, and the same is hereby, added to the criminal court known as the criminal court for the counties of Kenton, Campbell, Harrison, Bracken, and Pendleton, in the twelfth judicial district; and the judge of said criminal court, and all ministerial officers in the county of Robertson, shall perform the duties in holding a criminal court in the county of Robertson which would otherwise devolve upon them if in the circuit court, and shall receive the same fees and allowances therefor.

§ 2. There shall be two terms of said criminal court held in the county of Robertson each year, commencing on the third Monday in January and the fourth Monday in July, and continue six judicial days at such term, if the business so requires it.

§ 3. This act shall take effect from its passage.

Approved February 28, 1876.

CHAPTER 282.

AN ACT to re-establish the common pleas court in the county of Union.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Acts of 1873-'4,
private, p. 131,
repealed.

Act of 5th Feb-
ruary, 1867, re-
enacted for Union
county. Estab-
lishes court com-
mon pleas.

§ 1. That the act, entitled "An act to abolish the court of common pleas in Union county," approved the 16th day of January, 1874, be, and the same is hereby, repealed, and the common pleas court established in Union county by virtue of the act, entitled "An act to establish a court of common pleas in the first, third, and fourteenth judicial districts," approved February 5th, 1867, is hereby re-established in said county.

Two terms, on
first Monday in
January & July,
each year—24
days.

§ 2. There shall be two terms of the said court holden in said county in each year, one beginning on the first Monday in January, and the other the first Monday in July, and each to continue twenty-four juridical days.

§ 3. To give relief to the overburdened docket of the circuit court of said county, all the equity causes pending and untried on the docket of said court at the close of its next term shall, by operation of law, be transferred to said common pleas court, there to be docketed by the clerk, and tried by the judge as if originally instituted therein.

1876.

All untried equity causes transferred from circuit court to.

§ 4. The third judicial district, as to its common pleas court, shall include the county of Union, and the judge of the common pleas courts of said district shall hold the common pleas court of Union county, and the provisions of said act of the 5th of February, 1867, are hereby re-enacted as to Union county.

Union put in 3d judicial district.

§ 5. That when all the parties to any suit or motion pending either in the circuit or common pleas courts of Union county, who are capable of consenting, shall consent to the removal of such suit or motion, such suit or motion may be removed from either one to the other court, there to be tried as if originally brought therein: *Provided, however,* That such removal can only be had by order in open court, the parties being present or filing their written consent.

Transfer and trial of suit and motions.

§ 6. This act shall take effect from and after its passage.

Approved February 29, 1876.

CHAPTER 295.

AN ACT to amend an act, entitled "An act to regulate the time of holding the circuit courts in the second judicial district," approved February 23, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate the time of holding the circuit courts of the second judicial district," approved February 23d, 1876, be so amended as to take effect only on and after the second Monday in August, 1876.

§ 2. This act to take effect from and after its passage.

Approved March 1, 1876.

1876.

CHAPTER 303.

AN ACT to change the time of holding the Union circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Terms, 1st Monday in April and October, 30 days.

§ 1. That hereafter the Union circuit court shall commence on the first Monday in April and the first Monday in October in each year, and each term of said court shall continue thirty juridical days, if the business thereof require it.

§ 2. All laws in conflict herewith are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved March 1, 1876.

CHAPTER 319.

AN ACT to incorporate the purchasers of railroads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Purchasers
& Corporation.
Amendatory of
chapter 56, p.
546, Gen. Stats.

§ 1. That whenever a railroad hereafter may be sold under and in pursuance of a decree or judgment of a court of equity, or other court having jurisdiction, the purchasers thereof, or their assigns, together with such persons as may be associated with them, shall be authorized to become a body-politic and corporate for the purpose of operating and completing said railroad; and shall be entitled to exercise all the franchises, powers, rights, and privileges and shall be subject to all limitations, restrictions, and liabilities contained in the charter granted by the General Assembly of the Commonwealth of Kentucky under which said railroad was constructed and operated, as they existed at the time of such sale: *Provided, however,* That nothing in this act shall be construed to authorize any such corporation to receive subscriptions of stock from counties, towns, or cities in this State: *And provided,* That all corporations created under this act shall be subject to the provisions of sections one and two of chapter No. 148 of the Acts of 1855-'6, being an act of the General Assembly of this Commonwealth, approved February 14, 1856, and the provisions of section eight of chapter 68 of the General Statutes.

Limitations &
restrictions.

Not authorized
to receive sub-
scriptions.

Subject to Acts
'56, p. 616, Gen.
Stats.

See Gen. Stats.,
p. 546.

§ 2. The mode by which said purchasers, or their assigns and associates, as above mentioned, shall become incorporated,

shall be as prescribed in chapter fifty-six of the General Statutes. The articles of incorporation of any such company may provide for the issue, at one or several times, and disposition of any amount of negotiable bonds, with or without coupons, bearing a rate of interest, payable semi-annually, not exceeding eight per cent. per annum, and paid-up capital stock; said bonds and stock not to exceed, in the aggregate, the original cost of the construction of the railroad and equipment purchased, and such sum as may be necessary in order to complete the same, and for priorities in the payment of the interest or principal of said bonds, or of dividends on different classes of its stock; and may regulate what right the different classes of stockholders and bondholders may have to vote in corporate meetings and elections, and may exempt the latter from responsibility in consequence of the exercise of such right. The corporation thus created may secure the payment of any bonds issued by it, under the authority conferred by this act, by mortgage or deeds of trust, upon all or any part of its property, rights, and franchises acquired or to be acquired.

1876.

May issue bonds.

Regulate rights of stockholders to vote, &c.

May execute mortgage or deeds of trust.

§ 3. That whenever the railroad of any such corporation shall be sold or taken into possession by any court of equity, or other court having jurisdiction, the wages due to employees by said corporation, for work done within three months next before such sale or seizure, and claims for compensation for injuries to persons or property inflicted in operating said railroad, within six months next before such sale or seizure, shall have a first lien, and shall be first paid from the proceeds of sale, or of net earnings of the railroad while in possession of the court.

Employees' wages and claims vs. for injuries.

§ 4. This act to take effect from its passage.

Approved March 1, 1876.

1876.

CHAPTER 321.

AN ACT appropriating money to the Central Kentucky Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Appropriates
\$18,000 to pay
for building, and
\$13,662.77, to
meet deficit & buy
furniture, &c., &
\$3,000 to con-
struct a reservoir.

§ 1. That the sum of eighteen thousand dollars (\$18,000) is hereby appropriated to the Central Kentucky Lunatic Asylum to pay for the buildings for which no appropriation has heretofore been made; and the further sum of thirteen thousand six hundred and sixty-two dollars and seventy-seven cents (\$13,662 77), which is to make up the deficit which occurred in the years 1873, and 1874, and 1875, and for furniture, stock, and implements, when the number of patients was small, and yet the current expenses almost as great as now; also the sum of three thousand dollars (\$3,000) to pay for the construction of a reservoir.

Auditor to draw
warrant.

§ 2. The Auditor of Public Accounts is hereby directed to draw his warrant upon the State Treasurer for the three several amounts named above, to be paid out of any money in the Treasury not otherwise appropriated, when requested so to do, in writing, by the president of the board of commissioners of said asylum, and on the receipt of the treasurer thereof.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 1, 1876.

CHAPTER 322.

AN ACT making special appropriation to the First Kentucky Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Appropriates
\$1,741.41 to re-
fund expendi-
tures for repairs
made necessary
by storm, also
\$3,000 to build
cisterns, also
\$2,500 to enlarge
laundry.

§ 1. That the sum of seventeen hundred and forty-one dollars is hereby appropriated to the First Kentucky Lunatic Asylum, to refund expenditure incurred in repairing damage done to the building by a storm, to be paid to the treasurer of the asylum by warrant of the Auditor in his favor upon the Treasurer of the State, payable out of any money not otherwise appropriated.

§ 2. There are also hereby appropriated to said asylum the sum of three thousand dollars for the construction and arrangement of cisterns to enlarge the water supply, and the further sum of twenty-five hundred dollars for the enlargement of the laundry and its fixtures. The Auditor is directed to draw his warrants on the Treasurer in favor of the treasurer of the asylum, from time to time, for such portions of the appropriations made in this section as shall be certified to him, under oath, by the president of the board of commissioners and the treasurer of the asylum to have been actually expended for those objects respectively, until the entire amount of each shall be exhausted; the certificates to be accompanied, also, in each case, by receipts of the persons to whom the payments shall have been made.

1876.

Auditor to draw warrant.

§ 3. This act shall take effect from its passage.

Approved March 1, 1876.

CHAPTER 354.

AN ACT to regulate elections for directors and other officers of private corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All elections for directors and other officers, by private corporations created and organized by act of the General Assembly of the Commonwealth of Kentucky, or under the general laws of this Commonwealth, shall be held within the territorial limits of the State of Kentucky; and in the case of railroad companies and turnpike companies, the time and place of holding the same shall be advertised by not less than three insertions in a newspaper published in some county in which such road, or a part thereof, may be situate. Any such election held outside of Kentucky shall be void: *Provided*, This act shall not be construed as to include in its provisions the Cincinnati Southern Railroad Company.

Elections to be in Kentucky.

Must be advertised in newspaper.

Cincinnati Southern Railroad exempted.

§ 2. At elections held by such corporations, each stockholder shall be entitled to vote only in proportion to the amount that shall have been actually paid up on amount of the stock subscribed or held by him.

Paid-up stock only to vote.

1876.

Officers may
be compelled to
call election.

§ 3. If any regular election for directors or other officers shall not be held at the stated time therefore, the officer or officers whose duty it shall be to call such election may be compelled, by any court of competent jurisdiction, to call and hold the same; and if said officer or officers reside without this Commonwealth, such election may be ordered by such court upon the application of any number of stockholders holding and owning not less than ten shares of stock in the corporation. Notice of the application for such order and of such election, when ordered, shall be given in the manner provided above in section first of this act.

§ 4. Officers of such corporations shall hold their offices until their successors, respectively, are elected and qualified.

§ 5. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 398.

AN ACT to exempt certain benevolent and charitable associations from the operation of the general life insurance laws of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all Masonic Orders, Odd Fellows' Associations, and all Lodges of the Ancient Order of United Workmen, Knights of Honor, and all other associations of persons incorporated for the sole purpose of mutual protection and relief of its members, and for the payment of stipulated sums of money to the families or heirs of deceased members, are hereby declared not to be life insurance companies in the sense and meaning of the general life insurance laws of this State, and they are, and shall forever be, exempt from the provisions of said general insurance laws.

§ 2. This act shall be in force from its passage.

Approved March 6, 1876.

CHAPTER 417.

1876.

AN ACT to create a court of common pleas in the counties of Boyle, Garrard, Lincoln, Marion, Mercer, Rockcastle, and Washington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a court of justice, to be known as the court of common pleas, is hereby established in the counties of Boyle, Garrard, Lincoln, Marion, Mercer, Rockcastle, and Washington.

§ 2. The first election of a judge of said court shall take place on the first Monday in April, 1876, and afterwards on the first Monday in August, 1881, and on the first Monday in August in every sixth year thereafter; and said elections shall be conducted as are elections for judges of circuit courts. The judge elected shall enter upon the duties of his office as soon as he is commissioned and sworn.

First election first Monday in April, 1876, and August, 1881, &c.

§ 3. The judge of said court shall possess the same qualifications, and receive the same salary, payable in the same manner, as a judge of a circuit court.

Judge's qualifications. See Constitution, art. 4, sec. 22.

§ 4. All the provisions of sections seven, eight, and nine of article ten of chapter twenty-eight of the General Statutes are hereby re-enacted and applied to the court established by this act, and the judge thereof, in the same manner as the same are made applicable by the said sections to the courts provided for in said sections.

See pages 289 & 290, Gen. Stat.

§ 5. All the laws of this State in relation to the appointment of master commissioners by circuit courts, and their duties and responsibilities, are hereby made applicable to the court created by this act.

Master commissioner.

§ 6. The said court shall have power to allow, and certify to the Auditor, all claims against the Treasury of the State connected with said court.

Claims vs. Treasury.

§ 7. All the provisions of chapter twelve of the General Statutes with regard to a change of venue are hereby made applicable to said court.

§ 8. A vacancy in the office of judge of said court shall be filled as a vacancy in the office of judge of a circuit court is directed by law to be filled.

P. 182, Gen. Stat.

§ 9. In case the judge is absent, or, if present, cannot properly preside, an election of a special judge shall be held in the manner prescribed by law for the election of a special judge

Special judge.

1876. in the circuit courts; and the law in relation to the compensation of a special judge in the circuit courts shall apply to said special judge.

§ 10. The regular terms of said court shall be held as follows, viz:

Boyle. In the county of Boyle, on the third Mondays in June and December.

Garrard. In the county of Garrard, on the first Mondays in May and November.

Lincoln. In the county of Lincoln, on the first Mondays of June and December.

Marion. In the county of Marion, on the first Mondays of April and October.

Mercer. In the county of Mercer, on the first Monday in February and the third Monday in July.

Rockcastle. In the county of Rockcastle, on the Tuesday after the first Monday in January and July.

Washington. In the county of Washington, on the Tuesday after the third Monday in May and November.

Change of terms
& special terms. And each term shall continue as many juridical days as its business may require, so as not to conflict with any other regular term of said court; and the regular terms of said court may be changed by the court, by an order of record, to take effect more than sixty days thereafter. Said court shall have power to hold special terms, in either of said counties, for the trial of common law and equity cases, to be called in the manner provided by law in relation to special terms of circuit courts, and it shall be the duty of the judge to hold such special terms whenever the business of either county may require it.

Transfer of
cases to. § 11. It shall be the duty of the circuit court in each of the counties named in this act, at the close of the first term after the organization of the court created by this act, to make orders transferring to said court one half of the common law and equity causes left undisposed of in said circuit court, and the causes thus transferred shall be entered upon the docket of said court of common pleas, and tried as if brought originally therein.

§ 12. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 427.

1876.

AN ACT concerning executors and administrators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, in cases of insolvent estates of deceased persons, the court of equity in which the estate is settled and distributed among creditors may, with the consent of a majority in amount of the creditors, allow to the executor, administrator, or curator a greater compensation than is allowed by law, but not exceeding five per cent. upon the whole amount collected and paid out. May be paid greater per cent, &c.

§ 2. That, in cases of insolvent estates, the court of equity in which the estate is settled and distributed may, by its order, authorize the executor, administrator, curator, or receiver having the administration of such estate, to compromise such of the debts or claims of the estate as may be appraised as bad or doubtful or disputed. May compromise doubtful claims.

§ 3. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 447.

AN ACT concerning judicial sales of the property and franchises of railroad and turnpike corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sales of the property and franchises of railroad and turnpike corporations, when adjudged by a court, shall be after such notice and advertisement, and at such place as, in the discretion of the court, shall seem proper; and if such sales are made on the foreclosure of one or more mortgages or deeds of trust, the court may order such sale to be made for the whole amount of the outstanding bonds and interest secured by such deed or deeds of trust or mortgage; or if said property and franchises will produce so much, then for the amount of interest due under said deed or deeds of trust or mortgage, or either of them, subject to the payment by the purchaser of the outstanding bonds and interest secured thereby as they become due; and in the latter event may, by proper orders, secure the assumption thereof by the pur- Judgment must fix time to be advertised.
Sale to be for whole amount in mortgage or deed of trust.
Purchaser may assume payment of such as are not due.

1876.

Unless whole
amount is bid to
be without in-
cumbance.

chaser. But where a sale shall be ordered to be made subject as aforesaid, the court shall direct the officer making such sale, in the event that such property and franchises so offered do not sell for enough to pay the amount aforesaid, then to sell such property and franchises free from incumbrances. Sales made under the provisions of this act shall be on such credits as the court may deem proper: *Provided*, That where the sale is made subject as aforesaid, the average credit shall not be less than two years, or more than four years; and where the sale is not made subject as aforesaid, the average credit shall not be less than three years, or more than six years.

Two years' aver-
age credit.

§ 2. The officer making the sale shall receive such compensation therefor as the court may award, not exceeding four thousand dollars.

§ 3. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 450.

AN ACT to amend section ten, article two, chapter twenty-seven, General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See p. 272, Gen.
Stat.

§ 1. That section ten, article two, chapter twenty-seven, General Statutes, be amended by adding thereto the following: The sheriff shall return his delinquent list assessed for county levy by magisterial districts in the same manner that assessors are required to assess property and polls for assessment, and the county judge may call the justices of the peace together at or after the court at which the return is made, and the county judge, or county judge and justices of the peace, shall go over the list returned by the sheriff, district by district, and determine for which of said delinquents so returned the sheriff shall be entitled to credits in his settlements. It shall be lawful for the county court to sell said approved delinquent list to the highest bidder, or have the same placed in the hands of the constables of the districts where the delinquents reside for collection.

Court of claims
to determine de-
linquents.

List may be
sold or placed in
hands of constab-
le.

§ 2. That the court of claims, if convened under this act by the county judge, shall in no instance set more than two days.

§ 3. That this act shall apply to the counties of Madison, Kenton, Boyle, Rockcastle, and Laurel, Adair, Garrard, and Ballard, and shall take effect from its passage.

1876.

Approved March 7, 1876.

CHAPTER 461.

AN ACT to fix the tax on real and personal estate at forty cents on the one hundred dollars in value thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an annual tax of forty cents on each one hundred dollars of value of real and personal estate directed to be assessed for taxation, due and payable the year assessed, shall be paid by the person or owner assessed; fifteen cents thereof shall be for the ordinary expenses of government, five cents for the use of the Sinking Fund, and twenty cents for the support of common schools.

See p. 909, Gen. Stat.

§ 2. All laws in conflict with this act are repealed.

§ 3. This act shall take effect from its passage.

Approved March 7, 1876.

CHAPTER 485.

AN ACT to regulate the sale of leaf tobacco in this Commonwealth by warehousemen and commission merchants, and tobacco dealers on commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter commission merchants storing and selling tobacco in this State shall carefully and correctly weigh or caused to be weighed every hogshead, box, or bale of tobacco which may be sent to such commission merchant for storage and sale, and they shall mark, or caused to be marked, the gross weight distinctly on one head of each hogshead; and after the tobacco is stripped, they shall take the tare weight of each cask in which the tobacco has been prized; and after each hogshead of tobacco has been sold and properly re-coopered, it shall again be weighed by the same person who first weighed it; and the proprietor shall settle with the seller

All tobacco to be weighed before and after cooping, and both weights to be recorded.

Owner to be paid for greatest weight.

1876. according to the highest weight after deducting the exact tare.

§ 2. *Be it further enacted*, That if any person or persons shall make a false or fraudulent weight of such tobacco, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, he shall be fined in a sum of not less than fifty dollars nor more than one hundred dollars.

§ 3. *Be it further enacted*, That the proprietors of any such warehouse or commission house shall, for any violation of this act, be liable to pay the party aggrieved thereby a sum not exceeding one hundred dollars for each violation hereof, to be recovered before any tribunal having jurisdiction of the amount.

§ 4. *Be it further enacted*, That any person who shall purposely alter or mutilate any sample, before the hogshead it represents has been sold, or alter the weight marked on the hogshead, or record other weights on the warehouse books than the correct weights, shall be guilty of a misdemeanor; and for a violation of either of the provisions of this section, upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars, and shall, moreover, be liable to the party aggrieved for all damages he may have sustained thereby.

§ 5. *Be it further enacted*, That if the proprietor of any such tobacco warehouse or commission house shall account to any person for whom he may have stored or sold any hogshead of tobacco for less in weight than the same was sold and charged to purchaser, shall be guilty of a misdemeanor, and punished as in the fourth section of this act, and be liable to the party aggrieved for all damages he may have sustained thereby.

§ 6. This act to take effect from its passage.

Approved March 8, 1876.

CHAPTER 520.

AN ACT regulating the duties of trustees, &c., in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall not be lawful for the trustee or assignee, in any conveyance made for the benefit of creditors, in anywise to proceed to execute the trust until he shall ap-

See p. 844, Gen. Stat.

pear in the county court of the county where such conveyance may have been properly recorded, and take an oath faithfully to execute the duties confided to him by such conveyance agreeably to law; and shall likewise execute a covenant in open court, with good and sufficient security, to be approved by said court, payable to the grantor or any beneficiary in such conveyance, to the effect that he will faithfully, in proper time, discharge all the duties of trustee or assignee imposed upon him by the conveyance or by the laws of the land.

1876.

§ 2. For a breach of the covenant named in the first section of this act, any person injured thereby shall have remedy on the covenant for the recovery of damages by appropriate action thereon in any court having jurisdiction thereof.

§ 3. That the trustee or assignee shall hereafter return, under oath, to the county court in which he executes bond, within sixty days thereafter, an inventory of all that has come to his hands, or been conveyed by the deed to him, and return to said court a report of sales within two years from the time aforesaid, unless said court shall, for good cause, give further time; and said inventory and report shall be recorded in the clerk's office of said court.

§ 4. The clerk of the county court, for his services under this act, shall be entitled to the same fees allowed for similar services in granting administration upon decedents' estates.

§ 5. This act shall take effect from and after its passage.

Approved March 8, 1876.

CHAPTER 545.

AN ACT to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section second (2d) of an act for the benefit of keepers of licensed stud-horses, jacks, and bulls, which became a law April 15th, 1873, without the approval of the Governor, be amended by striking out of said section the county of Estill, and the provisions of said act are hereby made applicable to said county.

§ 2. This act to take effect from its passage.

Approved March 8, 1876.

1876.

CHAPTER 546.

AN ACT to amend article two, chapter thirty-three, entitled "Elections," of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an election for two justices of the peace shall be held in each justices' district on the first Monday in August, 1878, and on the same day every fourth year thereafter; and for a constable in each district on the first Monday in August, 1876, and on the same day every second year thereafter.

See p. 376, Gen. Stat.

§ 2. The terms of office of justice of the peace and constable shall always commence on the first day of June in the year next succeeding their election. Justices of the peace shall enter on the duties of their respective offices as soon after their terms commence as they shall have secured their commissions and qualified thereunder, and executed bonds as now provided by law, and shall have filed the same, with the certificate of qualification thereon, in the county clerk's office: *Provided*, All laws or parts of laws in conflict with the provisions of this bill be, and they are hereby, repealed.

§ 3. All laws and parts of laws coming in conflict with the provisions of this act be, and they are hereby, repealed.

Approved March 8, 1876.

CHAPTER 559.

AN ACT to regulate the time of holding circuit courts in certain counties in the ninth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Jefferson circuit court shall commence on the second Monday in May, in lieu of the first, as now provided, and that the circuit courts in Oldham shall commence on the first Monday in May and November, and continue for a term as now provided by law. That the circuit court in Spencer shall commence as now provided, and continue at each term for twelve juridical days.

See p. 283, Gen. Stat.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 8, 1876.

CHAPTER 572.

1876.

AN ACT to amend an act, entitled "An act to change the time of holding the circuit, criminal, and chancery courts in the twelfth judicial district," approved 16th April, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to change the time of holding the circuit, criminal, and chancery courts in the twelfth judicial district," approved the 16th April, 1873, be, and the same is hereby, so amended that the Robertson circuit court shall hereafter commence on the second Monday in December, and hold six juridical days, if the business so require.

§ 2. This act shall take effect from its passage.

Approved March 9, 1876.

CHAPTER 595.

AN ACT to authorize the county courts to establish work-houses, and to provide for the confinement therein of persons adjudged guilty of misdemeanors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each county court shall have power to establish a work-house, and, for such purpose, to rent appropriate house and grounds, or to purchase and receive conveyance of land; to contract for erecting a work-house and other improvements for such purpose; to purchase furniture, implements, and other personal property necessary for such institution; and to levy a sum sufficient to pay for the land, improvements, and the necessary personal property.

May establish work-house, may rent house and grounds, purchase land and erect house and improvements, buy furniture, implements, &c., & make levy to pay.

§ 2. The county court shall have power to appoint a manager of the work-house, whose duty it shall be to receive and safely keep all prisoners committed to his custody; to see that they are comfortably fed and lodged, and have proper attention, medical and otherwise, when sick; and to see that they work and otherwise demean themselves according to prescribed regulations. The manager shall make such reports in regard to such matters as the county court may direct, and he shall, in all respects, obey such orders as the court may make respecting his duties.

Appoint a manager; his duty to receive and keep all prisoners and give them comfortable lodging, medical attention, work them, and obey regulations; to make reports and obey orders.

1876.

May prescribe regulations and, from time to time, what character of work, how prisoners shall be secured, and enforce them.

§ 3. The county court shall have power to prescribe, by an order of record, regulations for the government of the work-house, and may, from time to time, determine the character of work to be done, and the place, either in the house, on the work-house grounds, or elsewhere; the number of hours the prisoners shall work; how they shall be secured while at work, and at other times, whether by guards, ball and chain, or otherwise; and to make and enforce all regulations necessary or proper for the purposes of the institution.

May lease house and grounds, &c.

§ 4. The county court may, for a period not longer than one year, lease the work-house, grounds and property, which lease shall carry with it and vest in the lessee the right to the labor of all the prisoners who may during such period be in the work-house, under such regulations as the county court may lawfully prescribe. Such lessee shall have the same power and shall discharge the same duties as if he were manager; and shall, with good security, execute a bond payable to the Commonwealth, stipulating that he will keep said leased property in good repair, and return it at the expiration of his term in the same condition as when he received it, natural wear and tear and unavoidable accident excepted, and that he will, in all respects, faithfully discharge his duties as lessee, and perform all the stipulations of the contract of lease, which shall be fully set out in the bond.

Powers of lessee and his duties, to give bond, &c.

May hire out prisoners.

§ 5. The county court may, at its discretion, hire out prisoners for part or all of their terms; any one hiring a prisoner shall give a bond, with good security, payable to the Commonwealth, stipulating that such person shall provide proper feed and lodging for the prisoner, and shall pay the price of hire agreed to be paid.

To employ a physician.

§ 6. The county court shall, at its own cost, employ a physician to attend upon sick prisoners, and the manager or lessee shall promptly inform such physician of any case of sickness.

§ 7. In any county having a work-house—

If one fined a fine not immediately paid, court to commit him to work-house at \$1 per day.

1. If any one shall be adjudged guilty of a misdemeanor, and the judgment is for a fine only, and if such fine is not immediately paid or replevied, the court shall, by an order of record, commit such person to the work-house, to work till all the judgment, exclusive of costs, shall be paid at the rate of one dollar for each day's work actually done.

2. When a judgment has been rendered against any one for a misdemeanor, and is not satisfied, and such person shall be arrested, under a *capias pro fine*, or other similar writ, the officer holding him under arrest shall, unless the judgment is paid or replevied, deliver the prisoner, with a certified copy of the process under which he is arrested, to the manager or lessee of the work-house; and such prisoner shall be kept at work till all of said judgment, exclusive of cost, shall be paid at the rate of one dollar per day for each day's work actually done.

1876.

One arrested to be delivered to keeper of work-house unless he satisfies judgment.

3. If a part or all of a penalty for a misdemeanor be confinement in jail, it shall be in the discretion of the court, when there is no trial by a jury, or of the jury by its verdict, to fix imprisonment and labor in the work-house, in lieu of imprisonment in jail: *Provided, however,* 'The time of confinement in the work-house shall not be for a greater time than that for which the prisoner might have been confined in jail.

Court or jury may commit to work-house instead of to jail, but not for greater length of time.

4. If the penalty may be both fine and imprisonment in jail, the principle of subsection one of this section shall govern as to the fine, and that of subsection three as to the imprisonment.

§ 8. When any one is committed to pay a fine he may, at any time, pay or replevy the balance due on the judgment, and he shall thereupon be discharged; and if one is committed to pay a fine, and also to serve a term in lieu of imprisonment in jail, he may, at any time, have the days he has served placed on a credit on the time he is committed to serve in lieu of such imprisonment, and when he shall serve out such term, and shall pay, or replevy the balance of the judgment, he shall be thereupon discharged.

Prisoner may at any time pay or replevy remainder of fine and be discharged the work-house, but must serve time when part of punishment.

§ 9. Any prisoner who shall escape from the work-house, or from the custody of any one to whom he may be committed, shall, on conviction thereof before the judge of the county court or a justice of the peace of that county in which the work-house is situated, be fined ten times the amount due on the judgment under which he was committed; and if said fine for the escape is paid or replevied, the prisoner shall thereupon be discharged from custody, and from all liability on the former judgment; but if it is not paid or replevied, he shall be committed to the work-house to pay by work the

Prisoner escaping and captured and convicted to be fined ten times the number of remaining days, but may pay or replevy same and be discharged.

1876. amount of the fine, at the rate of one dollar for each day's work actually done.

County court & city council may contract for joint use.
 § 10. The county court of any county, and the council or board of trustees of any city or town in it, may contract for the joint use for the purposes of this act, whether such house shall be owned by the county, or by the town or city, or by both.

County court means judge and majority of justices.
 § 11. The term county court, as used in this act, means a court in which shall be present a majority of the justices of the peace of the county.

Two or more counties may unite in one work-house.
 § 12. The county courts of any two or more counties are authorized to contract for the joint construction, management, and use of a work-house for such counties.

No appropriation until voted at a regular election.
 § 13. No appropriation for the erection of a work-house under the provisions of this act shall be made by a county court until the question of making the appropriation shall be submitted, at a regular election, to the voters of the county, and a majority of those voting shall vote in favor of said appropriation.

Approved March 9, 1876.

CHAPTER 613.

AN ACT to create a criminal court in the sixteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Known as the criminal court for the 16th judicial district.
 § 1. That there is hereby established a court of justice in and for the sixteenth judicial district, in this Commonwealth, which shall be known as the criminal court for the sixteenth judicial district; said court shall be a court of record, and held by a single judge, who shall have the same qualifications that a circuit judge is required to have, and receive the sum of \$1,800 per annum for his services, which shall be paid him from the State Treasury in the same manner as circuit judges are paid; he shall be conservator of the peace, and have and exercise the same power of a circuit judge in criminal and penal cases, and such other causes that may be brought therein as hereinafter provided; he shall have the same power in issuing and receiving the returns and hearing writs of *habeas corpus* as a circuit judge; he shall be commissioned

Qualifications and pay of judge.
 His powers and term of office.

and sworn as circuit judges are, and commence the duties of his office after his election; hold his office for the same period that circuit judges hold their offices, after the second election for judge of said court; he shall be subject to impeachment and removal for the same causes, and in the same manner, that circuit judges are under existing laws.

1876.

§ 2. The judge shall be elected on the first Monday in August, eighteen hundred and seventy-six, on the same day eighteen hundred and eighty, and every six years thereafter. Vacancies in the office of judge of said court shall be filled in the same manner and for the same term as is now provided by law in filling vacancies for the office of circuit judge; and the same practice shall be observed and fees charged, as far as applicable, as in circuit courts. Said court shall have a seal bearing its name and the arms of the Commonwealth.

Election in August, 1876, & 1880, and every six years thereafter.

Vacancies. See 26th section, article 4, State Constitution.

Fees, practice, and seal.

§ 3. The sheriffs, jailers, coroners, and other ministerial officers of said district, shall perform all the duties in all cases and proceedings in said court which would otherwise devolve on them in the circuit court; and they shall be entitled to the same fees therefor, and they and their sureties be responsible on their official bonds for their acts in said court. The clerks of the circuit courts in the several counties in said district shall perform all the clerical duties of said court, and shall style themselves the clerk of the criminal court for the county in which each of them may be circuit court clerk; and shall be allowed same fees that they are entitled to for similar services in the circuit court; and shall, with their sureties, be responsible on their bonds for the faithful discharge of their duties herein. Immediately after the first day of August, 1876, said clerks shall, without fee, transfer all criminal and penal causes from the docket of the circuit court to the docket of the criminal court in each county, which causes shall thereafter be disposed of in said criminal court; and said circuit court shall no longer have cognizance of any criminal or penal causes, or plea of the Commonwealth, in said district, except in the county of Martin therein.

Duty of all ministerial officers in.

Duties to be performed by circuit clerks and allowed same fees, and shall transfer all criminal and penal causes, and circuit court no longer any cognizance, except in Martin county.

§ 4. The said criminal court shall have all the jurisdiction in criminal and penal causes and proceedings which the circuit courts have, and which may be conferred upon said courts; and it shall take the place of the circuit courts in the

Jurisdiction.

1876. counties in said district, except the county of Martin, in such jurisdiction; and it shall also have concurrent jurisdiction with the circuit court in inquests of lunacy and idiocy, and exclusive of the circuit court in allowing claims on the Treasury now allowed by the circuit court.

§ 5. The regular terms of the criminal courts in said district shall commence and be held as follows, viz:

Terms—Carter
12 days.

In the county Carter, at Grayson, commencing on the third Mondays in March and September in each year, and continue twelve juridical days.

Boyd 12 days.

In the county of Boyd, at Catlettsburg, commencing on the Mondays succeeding the court in Carter county in each year, and continue twelve juridical days.

Lawrence 12
days.

In the county of Lawrence, at Louisa, commencing on the Mondays succeeding the court in Boyd county, and continue twelve juridical days.

Johnson 6 days.

In the county of Johnson, at Paintsville, commencing on the Mondays succeeding the court of Lawrence county in each year, and continue six juridical days.

Magoffin 6 days.

In the county of Magoffin, at Salyersville, commencing on the Mondays succeeding the Johnson criminal court in each year, and continue six juridical days.

Pike 6 days.

In the county of Pike, at Pikeville, commencing on the Mondays succeeding the Magoffin criminal court in each year, and continue six juridical days.

Floyd 9 days.

In the county of Floyd, at Prestonsburg, commencing on the Mondays succeeding the Pike criminal court in each year, and continue nine juridical days.

May extend
any term and call
special terms.

§ 6. The said court shall extend any of its terms, if the business shall require it, by making an order to that effect in the same manner, and upon the same restrictions, as circuit judges may now extend their courts as provided by law; and the judge of said criminal court may call special terms of his courts as circuit judges have the right to do, and in like manner.

May make rules
and regulations
to facilitate business.

The judge of the criminal court shall have power to make all proper rules and regulations to facilitate its business, not inconsistent with the Constitution and laws of the State, and its judgments and final orders shall be subject to appeals to the Court of Appeals in like manner as those of circuit courts; and it shall have power to attach for and punish contempts of its authority the same as circuit courts. The

Appeals from to
Court of Appeals.

Commonwealth's Attorney for said district shall attend each term of said court, and represent the Commonwealth and discharge all the duties, and be entitled to the same compensation as now provided by law for attending and prosecuting in circuit courts.

1876.

Commonwealth attorney shall attend, and compensation.

§ 7. In the selection and summoning jurors and payment of jurors in said court, the same shall be governed by the laws at the date applicable to circuit courts. The circuit court in said district, at the term in each county to which this act applies, next preceding the time that this act takes effect, shall cause jurors to be selected in the manner required by law for the first term of the criminal court in such county, otherwise such jurors shall be summoned, as provided by law, by sheriffs or other officers; and a grand and petit jury shall be summoned and be in attendance on each term of said criminal court, and perform the same services, receive the same pay, that jurors shall be entitled to in the circuit courts; and all bail bonds and recognizances taken at the term preceding the first term of the criminal court in each county by the circuit court, shall be for the appearance of the party for whose appearance said bond or recognizance is given in the criminal court instead of the circuit court; and all magistrates and examining courts in each county shall make all bail bonds, bonds to keep the peace, and recognizances, returnable to the criminal court of such county after this act takes effect.

Summoning, &c., jurors.

See p. 570, et seq., Gen. Stat.

Recognizances, bail bonds, &c., to be to this court.

§ 8. Special judges for said criminal court may be elected for the same causes and in the same manner, and shall possess the same qualifications, as special judges of the circuit court; and the provisions of the law in relation to record-books, presses, seals, stationery, and other expenses in circuit courts, shall be applicable to this court.

Special judges.

Books, &c.

§ 9. All reports and returns required to be made to the circuit court in said district, except in the county of Martin, by the circuit court clerks, county clerks, county court judges, police judges, justices of the peace, sheriffs, marshals, constables, trustees of the jury fund, and all civil officers and other persons having fines and forfeitures or other funds in their hands belonging to the jury fund, shall be made exclusively to the criminal court; and all the powers and duties of the circuit court respecting the same are hereby transferred exclusively to the criminal court.

Reports, &c., of civil officers to be made to this court.

1876.

§ 10. Nothing in this act shall be so construed as to take from the circuit court the power to make provisions for the payment of jurors of the circuit courts and officers of said court.

Judge of circuit
court may sit,
&c.

§ 11. The judge of the circuit court of the sixteenth judicial district may hold the criminal courts provided for by this act, in absence of the regular judge thereof, in any county in said district, or preside for the trial of any action pending in said court, if the judge of the criminal court is absent or cannot properly preside from any cause. In case neither the judge of the criminal court nor the circuit judge is present, or, if present, cannot properly preside, an election for a special judge may be held in the manner prescribed by law for the election of a special judge in circuit courts; and the law in relation to the compensation of a special judge in the circuit court shall apply to the case of a special judge of the criminal court in said district, except that his salary shall be governed by the salary of the judge of the criminal court.

Special judge.

Criminal judge
may hold circuit
court in absence
of circuit judge,
&c.

§ 12. The judge of the criminal court for said district may preside in and hold the circuit courts of said district, whenever the circuit judge is absent or cannot preside, or he may preside in any cause in which the circuit judge cannot properly preside.

Circuit court not
to have a grand
jury.

§ 13. No grand jury shall be summoned or convened in the circuit court of any county in said sixteenth judicial district to which this act applies, but said courts shall have petit juries.

Equity jurisdic-
tion.

§ 14. The criminal court hereby created shall have jurisdiction of all actions that may be brought by equitable proceedings in circuit courts in this Commonwealth; and such actions may be brought in the court hereby created, and process issued, and the same proceedings, judgments, and final orders had in such actions as may be had by law in the circuit courts of this Commonwealth; and the final orders of said court in such actions shall be subject to appeal and revision by the Court of Appeals in the same manner as is now fixed by law in the actions or proceedings in the circuit courts of this Commonwealth.

Commonwealth
attorney *pro tem*.

§ 15. If from any cause the attorney for the Commonwealth for said district shall fail to attend on any of the criminal courts provided for by this act, it shall and may be lawful for the judge presiding in said court at such term to appoint

some member of the bar attorney for the Commonwealth *pro tem.*, who shall receive the same fees that the regular attorney for the Commonwealth shall receive, payable to him in the same way. 1876.

§ 16. This act shall not in anywise apply to the county of Martin. This act not to apply to the county of Martin.

§ 17. This act shall take effect and be in force from and after the first day of August, 1876.

Approved March 10, 1876.

CHAPTER 628.

AN ACT to amend the revenue laws and to re-enact certain sections of chapter 2060, Session Acts of 1869, entitled "An act to amend the revenue laws," approved 15th March, 1869.

WHEREAS, Some doubt exists as to whether the act approved March 15, 1869, entitled "An act to amend the revenue laws," chapter 2060, is still in force and effect; and whereas, large quantities of lands and town and city lots have been purchased by direction of the Auditor in order to prevent heavy losses to the State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all purchases of land and city and town lots, made under execution in behalf of the Commonwealth, against sheriffs and their sureties for revenue, or against other persons and their sureties indebted to the State, made by agents or attorneys appointed by the Auditor, be, and the same are hereby, declared valid: *Provided*, That the right of the State to make such purchases is only intended to be established by this act, and nothing herein shall be so construed as to cure any defect or irregularity in any execution, levy, or sale under which such purchases may have been made.

Purchases by agent or attorney appointed by Auditor under execution made valid.

§ 2. That the Auditor shall, by himself or an agent, proceed to sell at public sale, at the court-house in the county where the land or lots are situated, on the first day of a county or circuit court, having first advertised the same as lands are directed to be advertised when sold under execution, and also for two weeks in a newspaper if one is published in the county. all lands or lots so purchased (after the rights of redemption have expired) upon a credit of not less than one

Auditor shall advertise and sell land or lots owned by State, acquired by purchase, &c.

1876.

Take bond with good security, execute deeds; bonds collectable and liens enforceable in Franklin circuit court.

Execution debtor may buy.

nor more than three years, in his discretion; and he shall take bonds, with good security, from the purchasers, bearing interest from the sale, and shall execute, for and on behalf of the Commonwealth, deeds of conveyance therefor, reserving a lien to the Commonwealth for the purchase money. He shall be authorized to collect all of said bonds by suit in the Franklin circuit court if not paid to the Treasurer at maturity, and the lien shall be enforced in said court. The agents and attorneys employed shall not be allowed exceeding eight per cent. for their services; but the Auditor himself shall not be allowed anything for his services except his necessary expenses, which shall be approved by the Governor before paid: *Provided*, That in all cases, if the execution debtor will do so, he shall have the right to become the purchaser of the land or town lots when sold at the debt, interest, and costs, by complying with the terms of sale.

Auditor may employ agent or attorney and pay him not exceeding 8 per cent.

§ 3. That the Auditor shall be authorized to employ, in his discretion, an agent or attorney, in any case where lands or town or city lots are to be sold under an execution in favor of the Commonwealth against sheriffs and other persons indebted to the State, either as principal or security, to bid for said land and lots, if it shall be necessary so to do to insure the collection of said execution; and he shall pay said agent or attorney not exceeding eight per cent. upon the amount realized by the Commonwealth out of said land and lots when sold.

May appoint agent to control and pay him reasonable compensation.

§ 4. That the Auditor is authorized to appoint an agent or agents to take possession of and manage and control all lands and lots purchased by his authority until the same are sold; and such agent or agents shall be paid a reasonable compensation for their services, to be approved by the Governor.

Sections 1, 2, & 3 of act 15th March, 1869, re-enacted.

§ 5. *Be it further enacted*, That sections one, two, and three, of chapter two thousand and sixty, Session Acts of 1869, approved 15th March, 1869, entitled "An act to amend the revenue laws," be, and the same is hereby, re-enacted.

Same personal property exempt from execution in favor of individuals and State, provided debtor is bona fide housekeeper with a family.

§ 6. *Be it further enacted*, That the same personal property which is now exempt from execution in other cases shall also be exempt by law from execution upon judgments in favor of the Commonwealth rendered against the sureties of defaulting sheriffs, if the person against whom the execution issues is

a bona fide housekeeper with a family resident within this Commonwealth. 1876.

§ 3. *Be it further enacted*, That this act shall be in force from its passage.

Approved March 10, 1876.

CHAPTER 636.

AN ACT to cause the surplus of the Sinking Fund to be transferred to the Revenue Proper.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Commissioners of the Sinking Fund to pay the interest on the school and other bonded debt of the State as such interest falls due; and after such interest is paid each year, the Commissioners of the Sinking Fund shall cause all surplus arising from the tax of five cents on each one hundred dollars' worth of property remaining after paying the interest on the school debt, and the surplus interest collected on the United States bonds owned by the State, after paying the interest on the other bonded debt of the State, as well as all other sums of money which may then be in the Treasury to the credit of the Sinking Fund, to be transferred to the revenue department.

Commissioners Sinking Fund to pay the interest on State debt as it falls due, and transfer surplus to revenue proper.

§ 2. This act shall take effect from its passage.

Approved March 11, 1876.

CHAPTER 638.

AN ACT to protect game and small birds and to punish trespass.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person within this State to catch, kill, or pursue with such intent, any buck, doe, or fawn, or have the same in possession after it has been caught or killed, between the first day of March and the first day of September of each year, under a penalty of twenty dollars for each offense.

From 1st day of March to 1st September unlawful to catch, kill, pursue, or have in possession after it is killed, any buck, doe, or fawn.

1876.

Same of squirrel
between 1st
February & 15th
June.

§ 2. That no person shall catch, kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any black, grey, or fox squirrel between the first day of February and the fifteenth day of June in each year, under a penalty of three dollars for each offense.

Rabbit.

§ 3. That no person shall catch, kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any hare or rabbit, between the first day of February and the twentieth day of October in each year, under a penalty of three dollars for each offense.

Wild goose,
wood duck, teal,
or other wild
duck, between 1st
May and 1st Sep-
tember.

§ 4. That no person shall catch or kill, or pursue with such intent, or have the same in possession after it has been killed or caught, any wild goose, wood duck, teal, or other wild duck, between the first day of May and the first day of September in each year, under a penalty of three dollars for each offense.

Wild turkey,
1st February and
September.

§ 5. That no person shall catch, kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any wild turkey, between the first day of February and the first day of September in each year, under a penalty of five dollars for each offense.

Woodcock,
1st February and
15th August.

§ 6. That no person shall catch, kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any woodcock, between the first day of February and the fifteenth day of August in each year, under a penalty of three dollars for each offense.

Quail, partridge,
or pheasant be-
tween 1st Febru-
ary and 20th Oc-
tober.

§ 7. That no person shall catch, kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any quail, partridge, or pheasant, between the first day of February and the twentieth day of October in each year, under a penalty of three dollars for each offense.

Dove, 1st Feb-
ruary & August.

§ 8. That no person shall catch, kill, or pursue with such intent, or have in possession after the same has been caught or killed, any dove, between the first day of February and the first day of August in each year, under a penalty of three dollars for each offense.

Night-hawk,
whippoorwill,
sparrow, thrush,
lark, finch, mar-
ten, swallow,
woodpecker,
flicker, robin, ori-
ole, red-bird, ce-
dar bird, tanager,
cat-bird, blue-
bird, or other
song or insectiv-
erous bird.

§ 9. That no person shall at any time catch, kill, or pursue with such intent, or have in possession after the same has been caught or killed, any night-hawk, whippoorwill, sparrow, thrush, lark, finch, marten, swallow, woodpecker, flicker, robin, oriole, red-bird, cedar bird, tanager, cat-bird, blue-bird, or other song or insectivorous bird, except where the same

shall be destructive to the fruit or grain crops, under a penalty of three dollars for each offense.

1876.

§ 10. That no person shall rob or destroy the nests or eggs of any wild bird whatsoever, save only those of a predatory nature and destructive of game or insectivorous birds, under a penalty of five dollars for each offense.

§ 11. That the possession of any of the animals or birds intended to be protected by this act, within the periods for which their killing or pursuit is hereby prohibited, shall be *prima facie* evidence that the said animal or bird was unlawfully caught or killed, and the possession thereof unlawful. Possession
prima facie un-
lawful.

§ 12. That any person exposing for sale any of the animals or birds intended to be protected by this act, within the periods for which the taking or killing thereof is hereby prohibited, shall, for each animal or bird so exposed for sale, be subject to the same penalty as herein provided for the unlawful killing or taking of such animal or bird. Sale prohibited.

§ 13. That the unlawful killing, catching, or possession of each and every one of the animals or birds intended to be protected by this act, shall constitute a separate and distinct offense, and shall be punishable accordingly; and two or more offenses may be joined in the same warrant or indictment therefor; and the person so offending, if convicted, shall be fined for each offense.

§ 14. That no person shall at any time kill or take any of the animals or birds intended to be protected by this act, by means of any trap, snare, net, or other like device, under a penalty of three dollars for each animal or bird so trapped, snared, or taken.

§ 15. Any person who shall knowingly trespass upon the lands of another for the purpose of shooting, hunting, or fishing thereon, after public notice by the owner or occupant of such lands, as provided for in the succeeding section, shall be liable to such owner or occupant in exemplary damages to an amount not exceeding \$25, besides all actual damage said owner or occupant may suffer by reason of such trespass; and presence on the lands of another with dogs or implements of hunting or fishing shall be presumptive evidence of the purpose of the trespass.

§ 16. The notice referred to in the preceding section shall be given by erecting and maintaining sign-boards at least one

1876. foot square in at least two conspicuous places on each side of the premises intended to be protected, such sign-boards to have thereon the word "Posted" and the name of the owner or occupant of the lands; and any person who shall tear down, or otherwise destroy or deface any such sign-board, shall be punishable by fine of not less than five nor more than twenty-five dollars.

§ 17. All actions for the recovery of the penalties prescribed in this act shall be in the name of the Commonwealth, and all county judges, justices of the peace, and police or other magistrates, are hereby invested with jurisdiction to try and dispose of all and any of the offenses against the provisions of this act, occurring within their respective counties: *Provided*, That wherever a number of offenses shall be charged in the same warrant, the penalties for which, as prescribed by this act, shall exceed in amount the jurisdiction of the county judge, justice, or magistrate, it shall be the duty of such county judge, justice, or magistrate to hold the person charged with such offenses to bail unto the next term of the circuit court to be held in said county.

§ 18. That any county judge, justice of the peace, or police or other magistrate, upon receiving sufficient proof, by affidavit, that any of the provisions of this act have been violated by any person being temporarily within his jurisdiction, but not residing therein permanently, or by any person whose name or residence is unknown, is hereby authorized and required to issue his warrant for the arrest of such person, and cause him to be held to bail to answer the charge against him; and any such justice or magistrate, upon receiving proof or having reasonable grounds to believe, that any game mentioned in this act is concealed during any of the periods for which the possession hereof is prohibited, shall issue his search warrant and cause search to be made in any house, market boat, box, package, car, or other place, and shall cause the arrest for trial of any person in whose possession such game is found.

§ 19. That it shall, and is hereby made, the duty of the several mayors of the several cities and towns within this Commonwealth, to require their respective police or constabulary force, and it is hereby made their duty, as it is hereby made the duty of all market-masters or clerks of markets of any cities or towns, to diligently search out

and arrest, as for a misdemeanor, all persons violating the provisions of this act by having any game mentioned herein unlawfully in their possession, or offering the same for sale during any of the periods during which the killing of such game is prohibited; and any officer whose duty it shall be to enforce the provisions of this act, who shall fail or refuse, upon sufficient information, to discharge the duties imposed upon him by this act, shall be held guilty of misfeasance in office, and shall, on conviction therefor in the circuit court having jurisdiction, be punished by fine not less than twenty nor more than fifty dollars for each offense.

1876.

§ 20. Any person convicted of a violation of the provisions of this act, failing to pay the penalty or penalties prescribed herein, shall be imprisoned at hard labor in the county jail for a period of not less than one day for each two dollars of the penalties imposed.

§ 21. *Provided*, That the provisions of this act shall only apply to the counties in the 15th, 18th, 22d, 23d, 25th, and 26th Senatorial District, except Boone county; the 27th, 31st, Senatorial Districts and Jefferson county, outside of the city of Louisville. The counties of Owen, Casey, Estill, and Lee are exempt from the provisions of this act.

§ 22. This act shall take effect twenty days after its passage.

Approved March 11, 1876.

CHAPTER 657.

AN ACT for the benefit of John B. Stevens, Joseph B. Bennett, and the personal representatives of Wm. Duke, Wm. Brown, and Titus Bennett.

WHEREAS, The General Assembly of this Commonwealth passed an act incorporating the Rough Creek Navigation and Manufacturing Company, approved March 8th, 1856, authorizing said company to build and operate one or more locks and dams on Rough creek, a tributary of Green river; and said company did build one lock and dam on said stream, located in the county of Ohio; and whereas, John B. Stevens, Joseph B. Bennett, and the personal representatives of Wm. Duke, Wm. Brown, and Titus Bennett, claim to be the present owners of said improvements; and claim further, that the act

1876.

of the General Assembly of this Commonwealth incorporating the Green and Barren River Navigation Company, approved March 9th, 1868, conferred on said Green and Barren River Navigation Company such franchises as were the cause of effectually destroying the value of their improvements on Rough creek, and making it worthless to them, and an obstruction to the natural navigation of said stream; and whereas, the said John B. Stevens, Joseph B. Bennett, and the personal representatives of Wm. Duke, Wm. Brown, and Titus Bennett, claim that they are entitled to damages from the State for the loss of their property on account of the legislation referred to; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Allows Jno. B. Stevens, Joseph B. Bennett, and the representatives of William Duke, William Brown, and Titus Bennett, to sue the State.

§ 1. That it shall be lawful for John B. Stevens, Joseph B. Bennett, and the personal representatives of William Duke, Wm. Brown, and Titus Bennett, to file their petition in the Ohio circuit court against the Commonwealth of Kentucky, setting forth their claim for damages, and stating the amount thereof, on which petition a summons shall issue against the Commonwealth, and be served on the Attorney General and the attorney for the Commonwealth for the judicial district in which Ohio county is contained.

No answer necessary.

§ 2. The allegations of the petition shall be treated as controverted, and shall be established by proof.

Commonwealth's Attorney to defend.

§ 3. It shall be the duty of the attorney for the Commonwealth for said district to represent the State in the action in the Ohio circuit court, and he shall be allowed a reasonable fee for his services, for which the Auditor of Public Accounts shall draw his warrant on the Treasurer, when the same shall be certified to him, by order of the Ohio circuit court.

Either party may demand a jury.

§ 4. Either party may demand a jury to try the facts; but if no jury be demanded, the court shall hear and decide the whole case. If, on the hearing, the court or jury shall find that the plaintiffs are the owners of the improvements on Rough creek, erected under the charter of the Rough Creek Navigation and Manufacturing Company, and that they are entitled, under the law and facts of the case, to damages against the State, for the loss of the value of their improvements, as recited in the preamble of this act, it shall be the duty of the court or jury to fix the amount of such damages, and

judgment therefor shall be rendered against the Commonwealth.

1876.

§ 5. Either party may prosecute an appeal to the Court of Appeals from the judgment rendered in the action within one year after the date thereof.

Appeal allowed.

§ 6. If judgment be rendered for the plaintiffs, the Auditor of Public Accounts shall, upon a copy being filed in his office, draw his warrant on the Treasurer for the amount of said judgment and the costs of the action, to be taxed and certified by the clerk of said circuit court: *Provided*, That the warrant shall not be drawn by the Auditor until after one year from the date of the judgment, unless the Attorney General shall sooner signify, in writing, his intention not to prosecute an appeal, or the plaintiffs shall execute bond, before the clerk of the circuit court, with sureties worth double the amount of the judgment, to refund the money drawn, if it shall finally be decided that the plaintiffs are not entitled to it.

Auditor to draw warrant.

§ 7. The attorney for the Commonwealth may, on motion, at any time before the commencement of the trial of the case, have it transferred to the circuit court of an adjoining county in the circuit for trial, but he shall be entitled to only one such transfer.

Commonwealth may have change of venue.

§ 8. This act shall take effect from and after its passage.

Approved March 11, 1876.

CHAPTER 677.

AN ACT to establish a criminal court in the fourteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established in the counties of Mason, Fleming, Nicholas, Lewis, Rowan, and Greenup, in the fourteenth judicial district, a criminal court, to be known as the criminal court for the fourteenth judicial district, which said court shall be a court of record, and have all the jurisdiction in criminal and penal causes and proceedings which the circuit courts in this Commonwealth now have, or which may hereafter be conferred upon it by law. It shall take the place of the circuit courts of the said counties in such criminal and penal jurisdiction, and have concurrent jurisdiction with the

The criminal court for the 14th judicial district established.

Petial & criminal jurisdiction exclusive in allowances against State.

1876. circuit courts in inquests of lunacy and idiocy, and exclusive jurisdiction of the circuit courts in the allowance of claims against the State connected with the business of the said criminal court. The said court shall have a seal bearing its name and the arms of the Commonwealth.

Qualification &
salary of judge,
and powers same
as circuit judge.

§ 2. The said criminal court in said counties shall be held by a single judge, who shall have the same qualifications and receive the same salary as the circuit judges of this Commonwealth, to be paid him from the State Treasury and in the same manner. He shall be a conservator of the peace, and have and exercise all the powers and authority of a circuit judge in criminal and penal causes and proceedings; may issue writs of *habeas corpus*, receive the returns thereof, and hear and determine the same as circuit judges are authorized to do; he shall have the same power to grant injunctions that circuit judges have under the provisions of the Civil Code; he shall be commissioned and sworn as circuit judges are commissioned and sworn, and be subject to impeachment and removal in like manner and for like causes. His term of office shall be the same as circuit judges, and the first election shall be held in the said counties of Mason, Fleming, Nicholas, Lewis, and Greenup, on the third Monday in May next, for a criminal judge for said district, to hold his office until the next regular election for judges, and until his successor is elected and qualified. Vacancies shall be filled in the office of said criminal judge in the same manner as is provided for the office of circuit judge, and the same practice and fees, as far as applicable, shall prevail in said criminal court as in the circuit courts.

Election in
May, 1876.

Art. 4, Consti-
tution.

Ministerial offi-
cers of county to
do, &c.

§ 3. Sheriffs, jailers, coroners, and other ministerial officers of said counties, in said district, shall perform all the duties in all cases and proceedings in said criminal court, which would otherwise devolve upon them in the circuit courts; and they shall be entitled to the same fees therefor; and they and their sureties shall be responsible upon their official bonds for their acts and omissions in all matters pertaining to their duties as officers of the said court.

Circuit clerks.

§ 4. The clerks of the circuit courts in the said counties of said district shall perform all the clerical duties of said criminal court, and shall style themselves, when so acting, the clerks of the criminal court for the county in which they may respectively be circuit court clerks, and shall be allowed

the same fees they are entitled to for similar services in the circuit courts, and shall be with their sureties responsible upon their official bonds for the faithful discharge of their duties under this act. Immediately after the first day of June next, the clerks of the circuit courts in the several counties of the district shall transfer all criminal and penal causes then pending in their respective courts from the dockets of the circuit courts to the dockets of the criminal court; and said circuit courts shall no longer have cognizance of any criminal or penal causes, or pleas of the Commonwealth in said counties. The provisions of the law in relation to record-books, presses, seals, stationery, and other expenses in the circuit courts, shall be and are now made applicable to the criminal court established by this act.

1876.

Shall transfer causes.

Exclusive criminal and penal jurisdiction.

§ 5. All the powers and duties of the circuit judge and the circuit court, in relation to the trustees of the jury fund, are hereby transferred exclusively to the criminal judge and the criminal court in said counties; but nothing herein contained shall be so construed as to take from the circuit court the power to make provision for the payment of the jurors of the circuit court.

Trustees of jury fund.

§ 6. All reports and returns required to be made to the circuit court by circuit court clerks, county clerks, county court judges, justices of the peace, sheriffs, constables, marshals, and other civil officers and persons, having fines and forfeitures or other funds in their hands belonging to the jury fund, shall be made exclusively to the criminal court; and all the powers and duties of the circuit court respecting the same are hereby transferred exclusively to the criminal court.

Reports and returns of civil officers.

§ 7. Special judges for said criminal court may be elected or chosen for the same causes, and in the same manner in all respects, as they are authorized to be elected or chosen in the circuit courts; and the law in relation to the compensation of special judges in the circuit courts shall apply to special judges of said criminal court. The criminal court shall have the same power to grant licenses to practice law that the circuit courts have; and all the powers and duties of the circuit courts in the counties of the criminal district established by this act in relation to attorneys for the Commonwealth are hereby transferred exclusively to the said criminal court.

Special judge.

May grant license to practice law.

1876.

May extend
any terms, and
call special terms.

Appeals from.

Common-
wealth's Attor-
ney.

§ 8. The said criminal court may extend any of its terms, if the business of the court requires it, and no other criminal court or circuit court in the same county interferes therewith, by making an order to that effect upon the record at a regular term while in session; and the court or judge may appoint special terms for any business of the court, in the same manner that circuit courts and circuit judges may appoint special terms of such courts. The said criminal court shall have all the power that circuit courts have to make rules and regulations to facilitate its business, and its judgments and final orders shall be subject to appeal in like manner as those of circuit courts in criminal cases. It shall have full power to punish for contempts of its authority in the manner now provided for by law for the circuit courts. The Commonwealth's Attorney for said district shall attend each term of said criminal court, and represent the Commonwealth, and discharge all the duties, and be entitled to the same compensation as now provided by law for attending the circuit courts.

See chap. 62,
p. 570, Gen. Stat.

§ 9. The laws in regard to the selection and summoning of grand and petit jurors, and the payment of jurors in the circuit courts, now in force, or which may hereafter be passed, shall be applicable to the criminal court established by this act; and the circuit courts of the district at the term in each county next preceding the fourth Monday of May next, shall cause grand and petit jurors to be selected in the manner now provided by law for the first term of the criminal court in each county respectively; and the said circuit courts shall make all bail bonds and recognizances taken at such term for the appearance of parties or witnesses bound to appear, returnable to the first term of the criminal court; and all magistrates and examining courts in each county of the said criminal district shall, after the first term of the circuit court in their respective counties is over, make all the bail and peace bonds and recognizances returnable to the criminal court of such county.

Magistrates &
examining courts
to make bail, &c.,
warrants return-
able to

§ 10. The regular terms of said criminal court shall be held as follows:

Mason, 4th
Mondays in Jan-
uary and June—
12 days.

In the county of Mason, at the city of Maysville, commencing on the fourth Mondays of January, June, and November of each year, and to continue twelve judicial days.

In the county of Nicholas, at Carlisle, commencing on the third Mondays of February and August, and to continue for twelve judicial days.

1876.

Nicholas, 3d Mondays in February and August — 12 days.

In the county of Fleming, at Flemingsburg, commencing on the first Mondays of June and December, and to continue for twelve judicial days.

Fleming, 1st Mondays in June and December — 12 days.

In the county of Lewis, at Vanceburg, commencing on the third Mondays of March and September, and to continue for twelve judicial days.

Lewis, 3d Mondays in March and September — 12 days.

And in the county of Greenup, at Greenup, commencing on the first Mondays January and October, and to continue for twelve judicial days.

Greenup, 1st Mondays in January and October — 12 days.

And in the county of Rowan, commencing on the second Monday in April and fourth Monday in October, and to continue twelve judicial days.

Rowan, 2d Monday in April and 4th Monday in October — 12 days.

§ 11. This act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 679.

AN ACT to regulate the times of holding criminal courts in the counties of Grant, Henry, Owen, and Boone.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the criminal courts in the counties of Grant shall hereafter be held as follows:

In the county of Grant, at Williamstown, on the third Mondays in April and October in each year, each term to continue twelve judicial days.

Grant, 3d Mondays in April and October — 12 days.

In the county of Henry, at New Castle, on the first Mondays of May and November of each year, each to continue twelve judicial days.

Henry, 1st Mondays in May and November — 12 days.

In the county of Owen, at Owenton, on the first Mondays of April and October in each year, each term to continue twelve judicial days.

Owen, 1st Mondays in April and October — 12 days.

In the county of Boone, at Burlington, on the third Mondays in March and September in each year, each term to continue twelve judicial days.

Boone, 3d Mondays in March and September — 12 days.

1876. § 2. This act shall take effect from and after the first Monday of August, 1876.

Approved March 13, 1876.

CHAPTER 682.

AN ACT to amend an act to create a court of common pleas in the counties of Boyle, Garrard, Lincoln, Marion, Mercer, Rockcastle, and Washington, approved March 6, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of an act to create a court of common pleas in the counties of Boyle, Garrard, Lincoln, Marion, Mercer, Rockcastle, and Washington, approved March 6, 1876, be, and is hereby, amended by striking out the words "first Monday in April," and inserting in lieu thereof the words "fourth Saturday in May."

Change time
of first election.

§ 2. This act shall take effect from its passage.

Approved March 13, 1876.

CHAPTER 702.

AN ACT regulating tax on circuses, menageries, theatres, &c., in Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all circuses, menageries, or other exhibitions displayed under canvas, shall pay a license tax of one dollar for each one hundred voters in the county in which the exhibition is given, for each separate exhibitions to which an admission fee may be charged: *Provided*, The tax shall not exceed twenty dollars: *And provided further*, That each side show, where a separate admission fee is charged, shall be taxed as a separate show.

Changes sec.
7, art. 2, chap.
92, Gen. Stat., p.
712.

§ 2. That hereafter all incorporated towns and cities in this Commonwealth shall have the exclusive right to license and tax all theatrical and other performances which may be exhibited in theatres or halls.

Gives cities &
towns exclusive
right to license
performances in
theatres or halls.

§ 3. All acts and parts of acts in conflict with this act are hereby repealed.

§ 4. This act to take effect from its passage; but the provisions thereof shall not apply to the town of Ashland, in Boyd county.

1876.

Approved March 14, 1876.

CHAPTER 703.

AN ACT declaring the Cumberland river and tributaries above the falls navigable streams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Cumberland river is hereby declared to be a navigable stream from the falls of Cumberland to the mouth of the Poor Fork, in Harlan county; up the Poor Fork to Charles Bebei's, in Fletcher county; up Clover Fork to the old Jonathan Kelly farm, in Harlan county; up Martin's Fork to the widow Middleton's, in Harlan county; Luna creek for seven miles above its mouth; Walden's creek for six miles above its mouth; Packet's creek to old man James Howard's farm; Browne's creek from its mouth to Mirricles; Yellow creek from its mouth to six miles above where it crosses the Wilderness Turnpike Road, in Bell county; Straight creek from its mouth to the forks of the creek, and up the left hand fork to the old Frank Gambril farm; up the right hand fork to the salt tree; Four Mile creek from its mouth six miles up; Greasy creek from its mouth to two miles above Daniel Dean's mill; Brush creek from its mouth seven miles up; Stinking creek from its mouth to the Forks of Stinking, and up the left hand fork two miles above John Mills' mill; up the right hand fork to opposite the Frank Gambril farm, on Straight creek; Fighting creek from its mouth to where it crosses the road leading from Barbourville to the old State road; Little Richland from its mouth to where it crosses the old State road; Big Richland from its mouth to the Laurel county line; Little Poplar from its mouth for six miles up; Indian creek from its mouth to where it crosses the Whitely road; Big Poplar from its mouth to the forks of same above the old Josh Tr farm; Clear Fork of Cumberland from its mouth to the Tennessee line; Wall's creek from its mouth to Gray's mill; Jellico creek from its mouth to Fuly's mill.

1876.

§ 2. *Be it further enacted*, That this act is not to interfere with any mills or mill privileges heretofore established.

§ 3. *Be it further enacted*, That any person owning or cultivating land on each side of any of the tributaries named, may have the right to erect and keep up water-gaps in a low time of water without being liable for prosecution for obstructing a public highway.

§ 4. *Be it further enacted*, That any person or company floating logs down the Cumberland river, or any of the tributaries named, herein named, should injure any mill-dam or mill-house heretofore established, shall be liable to the owner for all damages that may be done to same, to be recovered in any court having jurisdiction.

§ 5. That in case parties floating logs down any of the streams mentioned in this act shall injure any mill-house, or mill-dam, the person injured shall have a right of action against the parties or company floating the logs in the county where the injury is done, and may have process served upon the person, corporation, or company in any county in this State: *Provided*, That if any foreign company or corporation shall be sued for any injury to property, as hereinbefore provided, the plaintiff may serve process upon the agent or manager of the company's business in any county in this State, and the same shall hold good and valid as if served upon each member of the company or corporation in the county where the suit is brought.

§ 6. This act shall be in force from and after its passage.

Approved March 14, 1876.

CHAPTER 704.

AN ACT to amend chapter sixty of the General Statutes, title "Interest and Usury."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Makes 8 per cent. the rate of interest when in writing.

See p. 564, Gen. Stat.

§ 1. That said chapter be, and the same is hereby, amended by striking out the word "ten," in the sixth line of the first section of article two of said chapter, and by inserting in lieu thereof the word "eight," and by striking the word "ten" from the third line of section five in said article, and by

inserting in lieu thereof the word "eight" in said last mentioned line. 1876.

§ 2. All laws or parts of laws in conflict with the provisions of said chapter, as hereby amended, are, to the extent of such conflict, hereby repealed.

§ 3. The provisions of this act shall not affect any contract, or any right growing out of any contract, which shall have been made prior to the first day of September, 1876. Takes effect 1st September, 1876.

§ 4. This act shall take effect on the first day of September, 1876.

Approved March 14, 1876.

CHAPTER 722.

AN ACT to amend chapter forty-two, title "Ferries," General Statutes.

WHEREAS, It is represented to this General Assembly that the now established ferry landing in the town of Catlettsburg has been long since abandoned, and is in a condition that the same cannot be used, and that the public convenience greatly requires a new ferry site within four hundred yards of the present ferry landing, and the county court of Boyd county has no power to grant the relief.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Boyd county court is empowered and authorized to establish a ferry for the ferrying across the Ohio and Big Sandy rivers, within the corporate limits of the town of Catlettsburg, upon the application of the owner or owners of the land within said corporation most suitable for said landing, he or they complying with the provisions of the law now provided for the establishing of ferries under the chapter to which this is an amendment.

§ 2. That subsections Nos. one and two (1 and 2) of section twenty (20) of said chapter forty-two is hereby repealed, so far as is inconsistent with the provisions of this act.

§ 3. This act shall take effect and be enforced from and after its passage.

Approved March 15, 1876.

1876.

CHAPTER 735.

AN ACT to amend section sixteen, article thirteen, chapter thirty-eight, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Exemptions.
See p. 435, Gen.
Stat.

§ 1. That section sixteen of article thirteen, and chapter thirty-eight, of the General Statutes, be amended by adding the words "with a family" after the word "housekeepers," and before the word "of," in line third of said section.

§ 2. This act shall be in force from its passage.

Approved March 15, 1876.

CHAPTER 736.

AN ACT giving the consent of the Legislature of this State to the purchase or condemnation by the United States Government of land within the State for public purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Gives right of
purchase or con-
demnation of 5
acres to United
States, except
homesteads and
residences.

§ 1. That the consent of the General Assembly of the Commonwealth of Kentucky be, and the same is hereby, given to the purchase by the Government of the United States, or under the authority of the same, of any tract, piece, or parcel of land from any individual or individuals, bodies-politic or corporate, within the boundaries or limits of the State, for the purpose of erecting thereon light-houses, beacons, works for improving navigation, post-offices, custom-houses, or any other needful public structures whatever; and all deeds, conveyances of title papers for the same, shall be recorded as in other cases upon the land record of the county in which the land so conveyed may lie: *Provided*, That the quantity of land shall not, at any place, exceed five acres, and that the Commonwealth of Kentucky hereby reserves the right to execute powers, both civil and criminal, within the limits of any lot or parcel of land so purchased by the United States, the consent herein and hereby given being in accordance with the seventeenth clause of the eighth section of the first article of the Constitution of the United States, and with the acts of Congress in such cases made and provided.

§ 2. That if the authorized agents of the Government of the United States should not agree with the owners of said land mentioned in the first section of this act, the said authorized agent or agents of the Government aforesaid shall apply to the county court of the county in which said lands are situated for a writ of *ad quod damnum* to assess the value of said lands or damages to the owner, and upon the payment or tender of the damages assessed, the title shall vest in said United States Government for the purposes aforesaid: *Provided*, That homesteads and the residences of citizens shall not be subject to such condemnation.

1876.

§ 3. The lots, parcels, or tracts of land so purchased or condemned, together with tenements and appurtenances for the purposes before mentioned, shall be held exempt from taxation by the Commonwealth of Kentucky.

§ 4. This act shall be in force from and after its passage.

Approved March 15, 1876.

CHAPTER 737.

AN ACT to authorize sale of muzzle-loading guns in State Arsenal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Quarter-Master General be, and he is hereby, authorized and directed to sell or otherwise dispose of, upon the best terms possible, all of the muzzle-loading guns now on hand in the State Arsenal, and pay the proceeds thereof into the State Treasury.

Provides for sale of muzzle-loading guns by State.

§ 2. That this act be in force from and after its passage.

Approved March 15, 1876.

CHAPTER 738.

AN ACT to repeal an act, entitled "An act to regulate the time of holding the circuit courts in the second judicial district."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act regulating and changing the time of holding the courts in the second judicial district, passed at the

1876. present session of the General Assembly, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1876.

CHAPTER 739.

AN ACT to change the terms of circuit courts in the counties of Boone and Franklin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boone 1st Monday in September—12 days.

Franklin 3d Monday in October, changed from 2d Monday in August.

§ 1. That hereafter the fall terms of circuit court in the county of Boone shall begin on the first Monday in September, and continue two weeks; and the Franklin circuit court shall begin on the third Monday in October (instead of the second Monday in August), and continue two weeks; the other terms in said counties to remain as now fixed by law.

§ 2. This act to take effect from its passage.

Approved March 15, 1876.

CHAPTER 742.

AN ACT to amend and explain an act, entitled "An act to incorporate the Green and Barren River Navigation Company," approved March 9, 1868.

WHEREAS, An act, entitled "An act to incorporate the Green and Barren River Navigation Company," approved March 9th, 1868, authorizing said company to collect certain tolls from boats and other things navigating said rivers according to the rates established by the Board of Internal Improvement, as then applicable to the Kentucky, Green, and Barren river lines of navigation; and whereas, the rates so established as applicable to Kentucky river are not deemed applicable to Green and Barren rivers, and are misleading; and whereas, complaints have been made that said company have violated the spirit of their said charter by giving it a wrong construction to the prejudice of the public, and in making changes not contemplated therein, and that are not authorized by law; and whereas, it is clear that said company have vested rights under their said charter that cannot be

impaired, but which may be confined to their just and legitimate limits. Therefore, to explain and limit the rights of said company in the protection of the public, while at the same time the vested rights of the said company must be respected,

1876.

Construction
of act March 9th,
1868.

It is now enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charges herein prescribed and limited may be charged by said company against boats, barges, and things navigating said line of navigation, and no greater charges therefor shall be made.

§ 2. That the rate of tolls authorized by said act to be charged against boats, according to the tonnage rule or principle, shall not apply to boats or things plying only between the dams; but all boats, barges, and other crafts plying only between the dams on slack-water in said line of navigation shall not be required to pay any other or greater tolls than such as were established by the Board of Internal Improvement, and that were in force at the time of the passage of said act, and that were applicable alone to the Green and Barren river line of navigation, except as herein limited.

§ 3. No boat engaged exclusively in towing shall be required to pay tolls according to the rules of tonnage as claimed under said act. Such boats, in passing the locks and dams, shall only be required to pay two dollars therefor at each lock to said company.

Rate of toll \$2
for each boat at
each gate.

§ 4. The charge of two dollars lockage claimed under said act shall not be paid on any raft of timber passing said locks and dams, but the charges shall be as fixed by the Board of Internal Improvement, and is as follows: for rafts fifteen feet wide and under, three cents per lineal foot at each lock; over fifteen feet and under twenty feet wide, five cents per lineal foot at each lock; rafts twenty feet wide and under thirty feet wide, six cents per lineal foot at each lock; rafts thirty feet wide and under thirty-six feet wide, seven cents per lineal foot at each lock.

Rafts.

§ 5. No flat boat or barge starting from above the influence of slack-water shall be required to pay any tolls except for passing through a lock, and that shall not exceed the rates prescribed by law.

Flat or barge.

1876.

Flat or barge.

§ 6. No flat-boat or barge starting within the influence of slack-water shall be required to pay exceeding two dollars lockage and three cents per lineal foot of each boat or barge at each lock; and the two dollars lockage herein authorized by this section shall not be chargeable unless the boat or barge actually passes through the lock.

Loaded with coal or stone.

§ 7. No flat boat or barge loaded with coal or stone or sawed lumber shall be required to pay exceeding two dollars lockage and six cents per lineal foot of such boat or barge at each lock; but the two dollars lockage shall not be chargeable unless the boat or barge actually passes through the lock.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 15, 1876.

CHAPTER 747.

AN ACT providing for the ventilation of the cells in the cell-house of the Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Ventilation of penitentiary cells.

§ 1. That the Commissioners of the Sinking Fund be, and they are hereby, authorized to have the cells of the present cell-house of the State Penitentiary properly ventilated after plan and specification of H. P. McDonald, architect of the city of Louisville, Kentucky.

Work to be let to lowest responsible bidder.

Auditor to draw warrant.

§ 2. The said Commissioners are authorized to let out said work, after fifteen days' notice shall have been given, to the lowest responsible bidder, and order, from time to time, the Auditor of Public Accounts to draw his warrant upon the Treasurer any amount, not to exceed seventy per cent. of the work done at the time.

\$3,500 appropriated.

§ 3. To carry out the provisions of this act, there is hereby appropriated the sum of three thousand and five hundred dollars, or so much thereof as may be necessary to complete the work, not otherwise appropriated; and the Auditor shall issue his warrant upon the Treasurer as provided for in section two of this act, and not to exceed in the aggregate the sum specified in section three.

§ 4. The Commissioners of the Sinking Fund shall report to the next General Assembly the manner in which the work is done, and the amount expended upon said improvement. 1876.

Report to be made to next General Assembly.

§ 5. Said Commissioners shall not order the thirty per cent. remaining to be paid until they are satisfied that the work has been completed according to the contract and the specification.

§ 6. Said Commissioners of the Sinking Fund shall make satisfactory arrangements with the Keeper of the Penitentiary for ingress and egress during the progress of said work, and require the contractors to complete the work within one hundred and twenty days from the date of the contract.

Work to be done in 120 days.

§ 7. This act shall be in force from its passage.

Approved March 15, 1876.

CHAPTER 748.

AN ACT for the benefit of the Institution for the Education of Feeble-minded Children.

WHEREAS, It has been represented by the Commissioners of the Institution for the Education of Feeble-minded Children that certain work and repairs should immediately be done on said building, by which there will be an annual saving of money to the Commonwealth ; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to make the following repairs, and for the following purposes: To repair and build bathing tubs and wash stands, covering steam pipe to prevent the escape of steam, to readjust the water-pipes of the building, and to do such painting as may be done with whatever money is left after the foregoing repairs and work is completed.

§ 2. *Be it further enacted*, The Auditor of Public Accounts shall draw his warrant on the Treasurer for so much of said appropriation as may be necessary to pay for said work when the accounts shall have been properly attested as now required by law, and the Treasurer shall pay the same over to the

1876. Treasurer of the Board of Commissioners, who shall be required to account for the same as he is now required to account for the funds of said institution.

§ 3. This act shall take effect from and after its passage.

Approved March 15, 1876.

CHAPTER 757.

AN ACT to change the time of holding court of Pulaski county in the eighth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding court in the eighth judicial district, as now fixed by law, be changed so that the spring term in Pulaski county shall be three weeks, commencing with the fourth Monday in March of each year, instead of the time now provided.

§ 2. This act to take effect and be in force from its passage.

Approved March 16, 1876.

CHAPTER 779.

AN ACT to amend chapter ninety-two of the General Statutes, title "Revenue and Taxation."

WHEREAS, Many sheriffs in this Commonwealth have failed to execute bonds for the collection of the revenue of eighteen hundred and seventy-six within the time prescribed by law; and for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That each and every sheriff in this Commonwealth who has failed to execute his revenue bond for the collection of the State revenue for the year eighteen hundred and seventy-six (1876), on or before the first Monday in January last, as required by law, shall have, and they are hereby, granted further time—until the first Monday in May next—in which to execute said bond: *Provided*, That this section of this act shall not apply to such sheriffs as have executed bonds

Revenue bonds may be executed until 1st Monday in May.

in pursuance to special acts passed for their benefit during the present session of the General Assembly.

1876.

§ 2. That any sheriff who shall hereafter fail to execute his revenue bond as required by law, shall be subject to a fine of not less than one hundred, and not more than one thousand dollars, for each offense, to be recovered by motion in the circuit court of his county, or any court of similar jurisdiction, after ten days' notice.

Sheriff failing to execute revenue bond to be fined \$100 to \$1,000—on motion by 10 days' notice.

§ 3. The county attorney in each county is charged with the enforcement of the second section of this act; and he shall receive as compensation for his services ten per cent. of the amount recovered and paid; and should he fail to discharge the duties hereby imposed on him, he shall be subject to a fine of not less than twenty-five and not more than one hundred dollars, to be recovered in like manner on motion of the attorney for the Commonwealth for the judicial district in which said county attorney resides, who shall receive the same compensation as he is now allowed by law for similar services.

County attorney to make motion; and in case of failure, to be fined \$25 on motion of Commonwealth's Attorney.

§ 4. This act shall take effect from its passage.

Approved March 17, 1876.

CHAPTER 783.

AN ACT to amend section fifty-two, article two, chapter thirty-nine, of General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section fifty-two, article two, of chapter thirty-nine, of the General Statutes, be, and the same is, repealed, and in lieu thereof it is enacted that the allowance to executors, administrators, and curators shall not exceed five per cent. on all the amount received and distributed.

See p. 454, Gen. Stat.

§ 2. That this act shall take effect from and after its passage.

Approved March 17, 1876.

1876.

CHAPTER 785.

AN ACT to make taxation equal and uniform in counties where an ad valorem tax is levied by the county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the county court of any county in this Commonwealth shall, by virtue of any power conferred by law, order and direct an ad valorem tax to be assessed, levied, and collected in said county, it shall be the duty of the assessor of said county to proceed to assess, at his regular assessment, all the property in said county not specifically exempted from taxation by virtue of section three, article one, chapter ninety-two, of General Statutes, title "Revenue and Taxation."

Incorporated
companies to pay
ad valorem levied
by county, and
list with assessor
for that purpose.

§ 2. That it shall be the duty of the chief officer or agent of any railroad company, bank, mining, or manufacturing company, toll-bridge or turnpike road company, any gas or water company or association, or any other incorporated person or persons or company doing business or owning property in said county, residing in said county, to list or cause to be listed with the assessor of said county all the property of said railroad, bank, mining, manufacturing, toll-bridge, turnpike road, gas or water company, or other incorporated person or company situate in said county; but if they fail or refuse to do so upon demand made upon them by the assessor, then the assessor shall list the same and shall add twenty-five per centum to the value as a penalty for such refusal; but if no officer or agent of any of said companies reside in said county, then the assessor shall ascertain the value of said property and list the same.

§ 3. That all the property thus listed and assessed shall be subjected to an equal and uniform rate of tax.

§ 4. This act to take effect and be in force from and after its passage, except as to such incorporated companies incorporated prior to February the 14th, 1856, as by the terms of their charter are exempt from taxation, and as to them to take effect from and after the term of exemption therein prescribed shall expire.

Approved March 17, 1876

CHAPTER 795.

1876.

AN ACT supplementary to the act to adopt the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no statute of a general nature, enacted since the adoption of the Revised Statutes, on the subject-matter of which the General Statutes make no provision, shall be deemed to be repealed by the act, entitled "An act to adopt the General Statutes," approved April the 22d, 1873.

Except when the Gen. Stat. have attempted to treat on the same subject, all general laws since 1854 are re-enacted. See 10 Bush, 299, and P. H. G.

§ 2. This act shall take effect from its passage.

Approved March 17, 1876.

CHAPTER 799.

AN ACT to regulate the holding of the chancery, criminal, and circuit courts at Alexandria, in Campbell county, in the twelfth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts or parts of acts authorizing the holding of terms of the criminal court or chancery court in the town of Alexandria, in Campbell county, be, and the same are hereby, repealed.

§ 2. The circuit court of said county shall have exclusive common law, chancery, and criminal jurisdiction of all causes now pending, or which shall hereafter be brought under existing laws, providing for the trial of causes either at common law or in chancery or in the criminal court of said town.

§ 3. It shall be the duty of the clerk of the circuit court of said county to hereafter docket in the circuit court for said town all cases at common law and in chancery or criminal causes, which shall be regularly called by the judge of said court, criminal causes having priority; but, on the third day of any term of said court, the chancery docket shall be called to the exclusion of other business.

§ 4. This act shall take effect from and after its passage.

Approved March 17, 1876.

1876.

CHAPTER 800.

AN ACT to amend chapter seventy-seven, title "Mills," of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See p. 672,
Gen. Stat.

§ 1. That chapter seventy-seven, title "Mills," be amended by adding thereto the following: No owner or occupant of a mill within the limits of any town shall permit his hogs to run at large at such mill, and shall not keep nor feed hogs in a pen within one hundred yards of said mill, under the penalty of two dollars' fine for every day's continuance of such offense, recoverable with costs before a police judge or magistrate, for the use and benefit of said town.

§ 2. This act shall take effect on and after the first day of June, 1876, and apply only to the town of Taylorsville, in Spencer county.

Approved March 17, 1876.

CHAPTER 818.

AN ACT to repeal chapter sixty-five, General Statutes, and to re-establish the office of receiver for lands west of the Tennessee river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter sixty-five of the General Statutes, title "Lands West of the Tennessee River," be, and the same is hereby, repealed.

Receiver of
public money for
lands established
west Tennessee
river, &c

§ 2. That the office of receiver for said lands west of the Tennessee river be re-established, and all laws pertaining to said office and officer in force at the time of the adoption be, and the same are hereby, re-enacted.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1876.

CHAPTER 824.

1876.

AN ACT to amend article sixteen, chapter ninety-two, General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of article sixteen, chapter ninety-two, of the General Statutes, be, and the same is hereby, so amended as to allow the owners of lands residing in or out of this State, where such land is or may be hereafter divided by a county line, or where a county line runs through such land or lands, if the owner be a resident on any part of said lands, he may list the same for taxation for revenue purposes in the county of his residence; but if not residing on said lands, then in either of the counties in which the greater part thereof lies.

See pp. 749 &
750, Gen. Stat.

§ 2. That section two of said article be so amended as to authorize non-resident and resident owners of lands in this State to file descriptive lists of same with the county court clerks as therein provided for by agents solicited or appointed by such owners, without conferring on such agent the power to sell such lands.

§ 3. This act to take effect and be in force from and after the first day of January, 1877.

Approved March 18, 1876.

CHAPTER 829.

AN ACT regulating the holding of circuit and criminal courts in the sixteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts of the sixteenth judicial district shall be commenced and held the number days hereinafter stated, if the business shall require it (days meaning judicial days), viz:

Begin in the county of Lawrence, on the first Mondays of March and September, and continue twelve days each. Lawrence.

Begin in the county of Carter, on the third Mondays of March and September, and continue twelve days each. Carter.

Begin in the county of Pike, on the first Mondays of April and October, and continue six days each. Pike.

1876. Begin in the county of Floyd, on the second Mondays of April and October, and continue six days each.
- Floyd. Begin in Magoffin county, on the third Mondays of April and October, and continue six days each.
- Magoffin. Begin in the county of Johnson, on the fourth Mondays of April and October, and continue six days each.
- Johnson. Begin in the county of Martin, on the first Monday after the end of the Johnson court, and continue six days each.
- Martin. Begin in the county of Boyd, on the second Monday after the end of the Martin circuit court, and continue eighteen days each.
- Boyd. § 2. That the criminal courts in said district shall be commenced at the times and be held the number of days herein-after stated, if the business shall require it (days meaning judicial days), viz:
- Criminal court. Begin in the county of Pike, on the first Mondays of March and September, and continue six days each.
- Pike. Begin in the county of Floyd, on the second Mondays of March and September, and continue eight days each.
- Floyd. Begin in the county of Magoffin, on the first Wednesday after the end of the Floyd court, and continue eight days each.
- Magoffin. Begin in the county of Carter, on the third Mondays of April and October, and continue twelve days each.
- Carter. Beginning in the county of Lawrence, on the Mondays succeeding the end of the Carter court, and continue twelve days each.
- Lawrence. Beginning in the county of Johnson, on the Mondays succeeding the end of the Lawrence court, and continuing six days each.
- Johnson. Beginning in the county of Boyd, on the second Mondays of February, June, and December, and continue eighteen days each.
- Boyd. § 3. That all acts touching the holding of said circuit and criminal courts inconsistent with this act are hereby repealed.
- § 4. This act shall take effect on the first day of August, 1876.

Approved March 18, 1876.

CHAPTER 833.

1876.

AN ACT to fix the time of holding the Montgomery circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Montgomery circuit court shall begin on Tuesday after the first Monday in June and December of each year, and continue the number of juridical days as now provided by law. First Monday in June and December.

§ 2. Any process issued from said court returnable to the next May term shall be held to be returnable to the next June term, and shall be valid.

§ 3. This act shall take effect from and after its passage.

Approved March 18, 1876.

CHAPTER 835.

AN ACT to amend an act, entitled "An act authorizing rewards for killing wolves, red foxes," &c., approved 13th February, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section second of an act, entitled "An act authorizing rewards for killing wolves, red foxes, grey foxes, and wild cats," approved 13th February, 1873, be, and the same is hereby, amended by inserting after the words "the person killing the same shall produce the head before the clerk of the," in the second line of said section, the word "circuit" in lieu of "county."

Scalps to be presented to circuit clerk.

§ 2. The circuit court clerk's fee, for his services under the provisions of this act, shall only be twenty-five cents; and the provisions of this act shall not apply to the counties in the Twenty-ninth and Thirty-fourth Senatorial Districts.

§ 3. This act shall take effect from its passage.

Approved March 18, 1876.

1876.

CHAPTER 838.

AN ACT to amend an act, entitled "An act to establish a criminal court in the fourteenth judicial district," approved March 14, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act, entitled "An act to establish a criminal court in the fourteenth judicial district," be, and the same is hereby, amended by inserting in said section, in the fifteenth line thereof of the enrolled bill, after the word "Lewis," the word "Rowan."

§ 2. That section ten of said bill be, and the same is hereby, so amended as to read fourth Mondays in February and August instead of third Mondays.

§ 3. This act to take effect from its passage.

Approved March 18, 1876.

CHAPTER 845.

AN ACT to amend an act, entitled "An act to regulate the sale of medicines and poisons," approved February 21, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, unless a registered pharmacist, or registered assistant pharmacist in the employ of a registered pharmacist, or unless acting as an aid under the immediate supervision of a registered pharmacist, or a registered assistant pharmacist, within the meaning of this act, to retail, compound, or dispense medicines or poisons, except as hereinafter provided.

See p. 43, Acts
1873-4,

Allows an aid
under supervi-
sion of pharmacist
to compound, &c.

§ 2. Any person, in order to be a registered pharmacist or a registered assistant pharmacist in the meaning of this act, shall be either a graduate in pharmacy, a practicing pharmacist, or a practicing assistant in pharmacy. Graduates in pharmacy shall be such as have obtained a diploma from a regularly incorporated college of pharmacy. Practicing pharmacists shall be such persons as, at or prior to the passage of this act, have kept and continue to keep open shops for compounding and dispensing the prescriptions of medical practitioners, and for the retailing of drugs and medicines, and who shall have declared their intentions in writing of keeping

1876.

open shops for the compounding of prescriptions of medical practitioners and the retailing of drugs and medicines, and such other persons who, after the passage of this act, shall have declared their intentions in writing to open a shop for compounding and dispensing the prescriptions of medical practitioners, and for retailing drugs and medicines, shall have at least three years of practical experience in the business, and shall have passed a satisfactory examination before the State Board of Pharmacy. Practicing assistants in pharmacy shall be such persons as shall have served five years immediately preceding the passage of this act in a shop or shops when the prescriptions of medical practitioners are compounded, and such other persons as have served three years' apprenticeship in a shop or shops where the prescriptions of medical practitioners are compounded, have furnished a certificate of sober habits and good moral character from the county judge of the county in which he resides, and shall have passed a satisfactory examination before the State Board of Pharmacy.

§ 3. The State Board of Pharmacy shall consist of seven (7) persons, and immediately after the passage of this act, the Governor shall appoint, from among the most skillful pharmacists of the State, the first Board of Pharmacy; and on the first Monday in July of every third year thereafter, the Governor shall appoint the State Board of Pharmacy from the registered pharmacists of the State, the Louisville College of Pharmacy to recommend to the Governor ten persons, members of said College of Pharmacy, four of whom shall be appointed on the State Board of Pharmacy. All vacancies by death, resignation, or removal from the State, shall be filled by the board from the registered pharmacists of the State.

§ 4. Four members of said board shall constitute a quorum. Said board shall organize by the election of a president and secretary, both of whom shall sign all certificates and all other official documents. Said board shall meet twice a year, on the second Thursday in January and second Thursday of July, and shall have power to make by-laws and all necessary regulations for the proper fulfillment of their duties under this act. The secretary of said board shall also be registrar of pharmacist. The duties of said board shall be to examine all applicants for registration, to direct the registration by

1876. the registrar of all persons properly qualified or entitled thereto, and report to each regular session of the General Assembly on the condition of pharmacy, together with the names of all registered pharmacist and assistant pharmacist.

§ 5. The duties of the registrar of pharmacists shall be to keep a book in which shall be entered, under the supervision of the State Board of Pharmacy, the name and place of business of ever person who shall apply for registration. It shall also be the duty of the registrar to duly note the fact against the name of any registered pharmacist or assistant pharmacist who may have died, or removed from the State, or disposed of or relinquished his business, and to make all necessary alterations in the location of persons registered under this act.

§ 6. Every person applying for registration under this act shall pay to the State Board of Pharmacy ten dollars, and, if qualified, shall be furnished, free of expense, with a certificate of registration. Any registered assistant pharmacist may, with the consent of said board, be entitled to registration as a registered pharmacist, and shall be furnished with a certificate of registration, for which certificate he shall pay the registrar one dollar.

§ 7. Any person may own and keep an open shop for compounding and dispensing the prescriptions of medical practitioners, and for the retailing of drugs and medicines; but such business shall actually be conducted by a registered practicing pharmacist.

§ 8. Any person not a registered pharmacist who shall, after the passage of this act, take, use, or exhibit the title of registered pharmacist, or any person who shall violate any of the provisions of this act, shall, upon the first conviction, be sentenced to pay a fine of fifty dollars, and upon the second and every subsequent conviction shall be sentenced to pay a fine of one hundred dollars.

§ 9. The fees received for examination, registration, and certificates, and all fines under this act, shall be appropriated to defray the expenses of the State Board of Pharmacy.

§ 10. This act shall not apply to any town or city of less than five thousand inhabitants.

§ 11. Nothing in this act shall be construed to apply to any practitioner of medicine. 1876.

§ 12. This act to take effect on and after July the 15th, 1876.
Approved March 18, 1876.

CHAPTER 850.

AN ACT to regulate the release of liens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In recording mortgages and deeds in which liens are retained (except railroad mortgages securing bonds payable to bearer) there shall be left a blank space immediately after the record of such deed or mortgage of at least two full lines for each note or obligation named in said deed or mortgage.

§ 2. When any note or notes named in any deed or mortgage shall be assigned to any other person, the assignor may, over his own hand, attested by the clerk, note such assignment in said blank space, and when any one or more of the notes named in any deed or mortgage is paid or otherwise released or satisfied, the holder of said note or notes, and who appears from the record to be such holder, may release the lien, so far as such note or notes are concerned, by release, over his own hand, attested by the clerk.

Notes secured by mortgage and assigned to be stated on record, and lien; when paid, to be so entered.

§ 3. No person, except such as shall, from such record or assignment of record appear at the time to be the legal holder of any note or notes secured by lien in any deed or mortgage, shall be permitted to release the lien securing any such note or notes, and any release made in contravention of this section shall be void; but this act shall not be held to change the existing law if no such entry be made.

No person except assignor of record can release lien; but he to do so.

§ 4. For each assignment and release so made and attested by the clerk, he shall be entitled to charge a fee of twenty-five cents, to be paid by the person executing such release or noting such assignment.

This not to change law.

Clerk's fee \$25 cents.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 18, 1876.

1876.

CHAPTER 852.

AN ACT to repeal an act, entitled "An act to change the time of holding the Union circuit court," approved 1st March, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to change the time of holding the Union circuit court," approved March 1st, 1876, be, and the same is hereby, repealed, and the terms of said court shall be held at the same times or before the passage of the act approved 1st March, 1876.

§ 2. This act shall be in force from and after its passage.

Approved March 18, 1876.

CHAPTER 858.

AN ACT to regulate the times of holding the criminal court of Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the regular terms of the criminal court in Henry county shall be held as follows, to-wit: On the first Mondays in January and the third Mondays in June, to continue twelve juridical days each.

§ 2. That all acts or parts of acts in conflict herewith be, and the same are hereby, repealed.

§ 3. That this act shall take effect and be in force from and after first day of August, 1876.

Approved March 18, 1876.

CHAPTER 861.

AN ACT further defining the authority and duties of the Governor, Auditor, and Commissioners of the Sinking Fund in the employment of counsel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for the Governor to employ counsel to represent the State in any case where it is made the duty of the Attorney General to do so by section two, article five, chapter five, of the General Statutes: *Provided,*

See p. 153,
Gen. Stat., and
act of April,
1873.

That the Governor may employ counsel in the event the Attorney General should be sick or otherwise unable to prosecute or defend for the Commonwealth.

1876.

§ 2. The Auditor of Public Accounts shall not employ counsel to represent the State in any suit at law or equity in which the State is interested, which may be begun in the Franklin circuit court; and all suits brought by the Auditor for the State shall be brought in the Franklin circuit court, unless the Governor and the Attorney General shall authorize him, in writing, to proceed in some other court.

See sec. 17, art. 11, p. 743, Gen. Stat.

§ 3. The Commissioners of the Sinking Fund shall not employ counsel to bring or defend suits for the protection of the said fund in any case where it is made the duty of the Attorney General to do so.

Sinking Fund Commissioners.

§ 4. This act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 867.

AN ACT to reduce into one act an act to establish the Kentucky Institution for the Education of the Blind, and amendments thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the school heretofore established and known as the "Kentucky Institution for the Education of Blind," located within the city of Louisville, shall be and continue as a corporation in that name and style, with power and right as such to sue and be sued, plead and be impleaded, in any and all courts of justice in the United States of America or elsewhere, in all cases in which the rights or interests of said institution are involved; and said institution may receive, take, and hold real and personal estate, by gift, devise, or purchase, and dispose of the same for the use and benefit of said institution; and may have a common seal, or act without corporate seal.

"Kentucky Institution for the Education of the Blind" made a body-politic, &c.

§ 2. That said institution shall be under the control, direction, and management of nine citizens of Jefferson county, as visitors, who shall hold their offices for four years, and until their successors are appointed and qualify. The said visitors shall be nominated by the Governor, and approved by the

How managed.

Visitors nominated by Governor and approved by Senate.

1876. Senate, and any vacancy in the Board of Visitors by death, resignation, removal from the county of Jefferson, or any other cause, the Governor shall be informed of such vacancy by the president or secretary of the Board of Visitors, and the Governor shall appoint some competent person of Jefferson county to supply or fill such vacancy for the remainder of the term of the office of the visitor, who may cease to be a member of said board; and such appointment shall be reported by the Governor to the Senate at the next meeting of the General Assembly after such appointment, for confirmation. Should the Senate reject any nomination made by the Governor under this act, he may make other nominations to the Senate so that said Board of Visitors shall be full at all times. The said visitors shall be commissioned by the Governor, and shall take the oath of office required by the Constitution of this State, and to "well and truly discharge the duties of the office of visitor as required by this act." The Governor shall appoint said Board of Visitors as soon as this act becomes a law.

Governor to fill vacancies.

Visitors to be commissioned, & take oath.

Board to elect a president and secretary.

May receive property by gift, &c.

May employ attendants, &c., fix their pay, & prescribe duties and course of education, tuition fees, &c.

§ 3. That the Board of Visitors, or majority, shall appoint, from their own body, a president at their first meeting, who shall preside at the meeting of said board, and do and perform other duties required of him by the by-laws, rules or regulations or orders of said board; and said board shall appoint a secretary to keep a regular record of the proceedings of and to perform any other duties the board may require of him. The said Board of Visitors may receive, by legacy or otherwise, money, land, and other property, and retain, use, and apply the same to the use and benefit of said institution. The Board of Visitors shall have the possession, preservation, repair, and control of the building and ground belonging to this State, dedicated to the education of the blind, in the city of Louisville. And said Board of Visitors shall have the direction, control, and management of the special and general matters, concerns, and interests of said property and institution; may employ a superintendent, a physician, matron, professors, teachers, servants, and all other necessary agents and employees, and fix their pay or compensation for their services; prescribe and direct their duties and conduct; remove at pleasure any superintendent, matron, professor, teacher, servant, agent, or employee; and to pre-

scribe the course of education for the pupils in said institution, and rules for their government and discipline, and fix and regulate tuition fees and terms of admission of pupils into said institution from other States; but no charge shall be made for the admission of pupils from this State. The said Board of Visitors shall have power to pass such by-laws, rules and regulations, resolutions, orders, instructions, as a majority of said board shall consider fit and proper to carry into effect and force the powers herein granted, and may repeal, amend, or annul any such acts or proceedings, and adopt others to effectuate the objects of the said institution. The said Board of Visitors shall meet at least once in each month of each year, at any place in the city of Louisville, and may meet oftener, if necessary, to transact the business committed to their charge; and the president or any two members of said board may call a meeting of the board. In the absence of the president, the board may elect a president *pro tem.*, and may supply the place of the secretary, when he is absent, in the same manner. The said Board of Visitors shall require from the superintendent annually a full and detailed statement of the condition of said institution, the names of each employee, including matron, professors, teachers, servants, and agents; the pay or salary of each annually or monthly; the number and names of pupils, the residence of each, the number of pay pupils, the amount paid by them, and a full account and statement of the receipts from all sources, and expenditures and outlays of the institution in the preceding year; and may require from the superintendent any other information or fact within the duties prescribed by the Board of Visitors to him. That said Board of Visitors shall elect a treasurer for said institution, who shall, before he enter upon the duties of his office, execute bonds with good security, to be renewed biennially, to be approved by the Governor of the State, payable to the Commonwealth of Kentucky, in the penal sum of \$20,000, conditioned well and truly to discharge the duties of the office of treasurer of the "Kentucky Institution for the Blind," and pay over and account for all money, and to account for and deliver all property or evidence of debt or of value, placed in his hands or possession as treasurer of said institution, on the order of the Board of Visitors, which bond may be enforced and re-

1876.

No charge for pupils from this State.

Pass by-laws, rules, &c.

To meet once in each month, or oftener.

In absence of president, &c.

Superintendent, what he is to report.

Treasurer, bond, &c.

1876.

covery had on a breach thereof by motion or action at law, as in case of official bonds of sheriffs within the Commonwealth, and shall be delivered to the Auditor of Public Accounts for safe-keeping.

Said institution, its property, control, &c., to be at all times subject to Legislature. Governor has a supervisory power and right of visitation.

§ 4. That said institution and its control, direction, management, property, means, and officers and employees shall be, and remain at all times, subject to the control and pleasure of the General Assembly of the Commonwealth, and the Governor shall have a supervisory power and right of visitation over the same.

How and when treasurer is to pay.

§ 5. That the treasurer of said Institution shall only pay the debts, claims, and charges against said institution, on the warrant of the president, after they have been examined, audited, and approved by said Board of Visitors, at a meeting of a majority of the members thereof, which examination and approval shall be certified by the president of said board, and countersigned by the secretary, and each claim shall be noted or named on the journal of the proceedings of said board, giving the date, amount, and name of the person to whom allowed. The said treasurer shall, annually, in the month of November, settle with the Auditor of Public Accounts for the receipts and disbursements during the year preceding, and shall file with the Auditor a statement of said account and the vouchers for the same. And the Auditor shall furnish and deliver to said treasurer a written statement of such settlement, signed by the Auditor, and said treasurer shall furnish to the said Board of Visitors an annual written statement of his account immediately after settling the same with the Auditor. The statement of the Auditor shall be a sufficient voucher to the treasurer.

All claims to be recorded on journal.

Annual settlement with Auditor, and make to managers annual statement.

Board to report annually, and what.

§ 6. That the Board of Visitors shall annually report to the Governor (for the purpose of being laid before the General Assembly) a general statement of the condition of said institution, accompanied with the statements required to be furnished to said board by the superintendent and treasurer, so that the Legislature may be informed of all matters connected with said school, and its wants, prospects, and benefits. The treasurer may be removed from office at the pleasure of a majority of the members of the Board of Visitors, and another elected to supply the vacancy; and the vacancy in the office of treasurer may be filled by said board at any time.

Removal of treasurer, & how.

§ 7. That the Board of Visitors shall alone have the power to expel a pupil from said institution, and no officer of said institution, or employee thereof, shall be permitted to inflict corporeal punishment upon any of said pupils.

1876.

Pupil expelled, and how.

§ 8. That to enable said Board of Visitors to defray and pay the expenses of said institution; and provide the necessary supplies of food, clothing, and other proper and necessary things, the annual appropriations heretofore made for said institution shall be continued to be drawn as heretofore authorized by law.

Appropriation for expenses.

§ 9. That all acts or parts of acts coming within the purview of this act are repealed; and this act shall take effect from its passage.

Approved March 18, 1876.

CHAPTER 868.

AN ACT to confer on quarterly courts jurisdiction of misdemeanors in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When any person shall be lodged in jail, in default of bail, charged with a misdemeanor, or whether committed to jail under an indictment or by the order of an examining court, it shall be the duty of the jailer to notify the judge of the quarterly court and the county attorney of the fact, if the court in which the prisoner is indicted, or is ordered to appear, is not in session.

In misdemeanors when prisoner committed to jail, duty of jailer.

§ 2. The judge of the quarterly court shall thereupon call upon the clerk of the court in which the prisoner stands indicted, or is ordered to appear, and said clerk shall make out and deliver to said judge a certified copy of the record in his possession, by virtue of which the prisoner was arrested and is detained.

Clerk to furnish judge copy of, &c.

§ 3. Said judge shall cause the prisoner to be brought before him at the court-house; shall inform him of the charge against him; fix a time on that or another day for the trial; issue summons for witnesses, and have a jury summoned. If the prisoner has no attorney, and is too poor to employ one, the court shall, at his request, appoint an attorney to defend him.

Trial.

1876. § 4. The trial shall be conducted in all respects as if it were in the circuit court. The judge shall, as clerk, do whatever the clerk of a circuit court should do in such trial, keeping, in a book to be provided for the purpose, a correct record of all proceedings had in every case.

§ 5. The proceedings, after judgment is rendered, shall be in all respects the same as proceedings upon a judgment rendered by the circuit court.

Appeal lies to circuit court when fine is more than twenty dollars, or imprisonment for more than ten days, or both.

Defendant may supersede, conditioned, &c.

§ 6. An appeal may be taken from the judgment of the quarterly court to the circuit court if it for more than twenty dollars, or for confinement in the jail or work-house for more than ten days, or if, being for both fine and imprisonment, either the fine is over twenty dollars or the term of imprisonment is over ten days. The defendant may supersede such judgment by executing before the judge of the quarterly court a bond, with good security, conditioned that he will appear in the circuit court, and not depart therefrom without its leave, and will perform its judgment by paying any fine that may be assessed, or by surrendering his body for confinement, or both, as the judgment may require. If any forfeiture shall be taken on said bond, the judgment thereon shall be for the fine, costs, and two dollars for every day of confinement adjudged; and, in addition, upon failure of the defendant to appear, the circuit court shall enter the judgment appealed from against the defendant which he may be required to satisfy, and for that purpose the judgment shall be issued.

County attorney to prosecute, and his pay.

§ 7. It shall be the duty of the county attorney to prosecute all cases of misdemeanor in the quarterly court; and for his services he shall have the same fee in every case that the Commonwealth's attorney would have in the case if prosecuted in the circuit court.

For this purpose quarterly court always open.

§ 8. The quarterly court, for the purpose of exercising the jurisdiction hereby conferred, shall be deemed always open, except on Sundays and legal holidays.

At end of circuit court all indictments for to be sent to quarterly court.

§ 9. If at the end of any term of a circuit court, or other court having general criminal jurisdiction, there shall be persons in jail indicted for misdemeanors, such courts shall make an order transferring such indictments to the quarterly court; and the clerk of such court shall immediately, upon its adjournment, furnish a copy of the record in such case to

the judge of the quarterly court, who shall proceed to the trial of such persons as hereinbefore provided.

1876.

§ 10. The provisions of this act shall not apply to Jefferson county.

Approved March 18, 1876.

CHAPTER 878.

AN ACT to repeal an act, entitled "An act to establish a criminal court in the eleventh judicial district," approved February 20th, 1874, so far as the same applies to the county of Henry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish a criminal court in the eleventh judicial district," approved February 20th, 1874, be, and the same is hereby, repealed, so far as the same applies to Henry county.

Authorizes a vote of people of Henry to say whether criminal court shall be repealed in said county.

§ 2. This act shall not take effect unless a majority of the qualified voters residing in said county of Henry, who may vote at the regular August election for 1876, shall vote in favor of adopting and ratifying the first section of this act; and for the purpose of ascertaining whether or not a majority of the qualified voters resident in said county of Henry are or are not in favor of the first section of this act, it is hereby made the duty of the regular officers of the election at each voting place in Henry county, at the regular August election to be held for the year 1876, to open and cause to be opened a separate poll for the purpose of recording the votes of the legal votes under the provisions of this act. Said poll-book shall contain two columns, over one of which shall be written "For the adoption of the act repealing so much of an act establishing a criminal court in the eleventh judicial district, as applies to Henry county," and over the other column shall be written "Against the adoption of the act repealing an act, as applies to Henry county, to establish a criminal court in the eleventh judicial district." It shall be the duty of the officers of the election to propound to each person voting these words: "Do you vote for or against the act repealing an act establishing a criminal court in the eleventh judicial district, so far as the same applies to Henry county?" and

Election August, 1876.

1876. the vote of such person, if he desires to vote, shall be recorded as he may vote.

§ 3. It shall be the duty of the judges of election to certify and deliver said poll-books, as required by section five of article one hundred and eleven, chapter thirty-three, of the General Statutes; and the election hereby directed shall be conducted as general elections in this Commonwealth are directed to be held.

§ 4. Within two days next after the election the sheriff shall deposit with the clerk of the county court of the county of Henry the poll-books of the different precincts. On the next day the county board for comparing poll-books shall meet in the clerk's office between ten and twelve o'clock in the morning, and compare the polls taken under this act, ascertain the correctness of the summing up of the votes, both for and against the adoption of the first section of this act. They shall make out, over their official signatures, two certificates, showing the true summing up of the vote; one copy of the certificate to be retained in the clerk's office, and another shall be forwarded by the county court clerk to the Secretary of State at the Seat of Government.

§ 5. The Governor, Attorney General, and Secretary of State, and, in the absence of either, the Auditor, or any two of them, shall be a board for examining the returns of the election held under this act. It shall be the duty of said board, when the returns are all in, or on the fourth Monday after the election, whether they are all in or not, to carefully examine and ascertain from said certificates the actual number of votes cast at the election held under and pursuant to the provisions of this act, and also how cast—whether for or against the adoption of the first section of this act; and it shall be the duty of said board, over their official signatures, to make out, sign, and file in the office of the Secretary of State, at the Capital of the State, three certificates of the result of the election held under the provisions of this bill.

§ 6. Any officer, failing to discharge his duty in conducting the election under the provisions of this act, shall suffer the same penalties now denounced by law against officers of election for a failure to discharge their duty as officers of elections; and any person who shall vote at said election contrary to law shall suffer the penalties now prescribed by law for

illegal voting; and all the suits or prosecutions pending in said criminal court, and the jurisdiction of said court over all cases shall vest in and be transferred to the circuit court of Henry county, if the majority of the votes cast at said election shall be in favor of the repeal of the criminal court of Henry county, but not otherwise.

§ 7. This act shall take effect from its passage.

[This act became a law without the signature of the Governor.]

1876.

CHAPTER 879.

AN ACT to establish the seventeenth circuit court judicial district.

WHEREAS, It satisfactorily appears that the population of the State exceeds one million five hundred thousand, and that the public interest requires the creation of another circuit court judicial district; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the seventeenth circuit court judicial district be, and the same is hereby, established, to be composed of the counties of Bullitt, Spencer, Shelby, Anderson, Oldham, and Trimble.

Establishes 17th
judicial district,
& how composed.

§ 2. That a term of the circuit court shall be held at the court-house in each of said counties, commencing at the time hereinafter specified, and continuing the number of days allotted to each term, if the business requires it.

Shelby, first Monday in March and September, each term to continue twenty-four juridical days.

Spencer, third Monday in April and October, each term to continue twelve juridical days.

Bullitt, first Monday in April and October, each term to continue twelve juridical days, and on the fourth Monday in June for the trial of equity and criminal causes, to continue six juridical days.

Oldham, first Monday in May and November, each term to continue twelve juridical days.

Trimble, third Monday in May and November, each term to continue twelve juridical days.

Anderson, first Monday in June and December, each term to continue eighteen juridical days.

1876. § 3. A circuit judge and Commonwealth's Attorney shall be elected in said judicial district on the first Monday in August next, for the unexpired terms of said offices.

Circuit judge & Commonwealth's Attorney to be elected August, 1876.

§ 4. That this act shall take effect and be in force from and after the first Monday in July next.

[This act became a law without the signature of the Governor.]

CHAPTER 881.

AN ACT to fix the compensation of the militia when in actual service.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

See sec. 7, art. 4, p. 668, Gen. Stat.

§ 1. That section seven, article four, chapter seventh, General Statutes, be so amended as to fix the compensation of the militia, when in actual service, as follows: Commissioned officers of all ranks, two dollars per day; non-commissioned officers, one dollar and twenty-five cents per day; privates, one dollar per day.

§ 2. This act to take effect and be in force from its passage.

Approved March 20, 1876.

CHAPTER 883.

AN ACT to amend chapter ninety of the General Statutes, title "Public Printing and Binding."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Public Printer, election of.

See p. 704, Gen. Stat.

§ 1. A Public Printer shall be elected by a joint ballot or vote of the two Houses of the General Assembly, at its present session, and biennially thereafter, who shall continue in office two years from and after the first Monday in August next succeeding his election; and if, from any cause, a vacancy shall occur in the office in the recess of the General Assembly, it shall be the duty of the Governor to appoint some proper person to discharge its duties for the remainder of the term.

Shall give bond and take oath.

§ 2. Before entering upon the duties of his office, the Public Printer shall execute a covenant with two or more sureties, to be approved by the Governor, conditioned for the faithful execution of the public printing and binding, and the preser-

vation and return of any material furnished him; and he shall moreover take the oaths prescribed by the Constitution. The covenant and a certificate, showing that said oath has been taken, shall be deposited in the office of the Auditor of Public Accounts for safe-keeping.

1876.

§ 3. The Public Printer shall keep his office and execute his work at the seat of government; and shall publish a newspaper of not less than weekly issue.

Office to be,
a work done, at
Frankfort.

§ 4. He shall insert the words "Public Property" in and upon all books printed and bound for the State.

§ 5. He shall do all the public printing, including stereotyping, lithographing, and engraving, and all the public binding required by either House of the General Assembly, by the heads of the several departments and bureaux of the State Government, or by law, for which payment is to be made out of the public Treasury.

Duties of.

§ 6. He shall also insert, in a prominent place in his newspaper, for the period ordered, the Governor's proclamations, the general election returns, advertisements for the sale of non-residents' lands, and such other advertisements as the several departments of the State Government are required to publish in a public journal or journals, for which advertising he shall receive payment at a rate not greater than the published rates of said paper as charged other advertisers.

To publish
proclamations,
election returns,
advertisements,
and pay.

§ 7. He shall receive for the public printing done by him the same compensation as is prescribed by the several laws in force at the time of the enactment of the General Statutes, approved April 23, 1873; and payments shall be made to him upon the verification of his accounts in the manner prescribed in said laws. For the public binding executed by him, he shall receive the same compensation as was prescribed by law prior to the passage of the act, entitled "An act to authorize the Auditor of Public Accounts to contract with the Public Binder for the binding of the public books," approved January 26, 1865, the same being at a rate of compensation thirty-three per cent. less than was then allowed by law.

Compensation.

Binding.

§ 8. Sections one, two, three, four, five, six, seven, eight, nine, ten, and twelve of chapter ninety, General Statutes, title "Public Printing and Binding," are hereby repealed.

See pp. 704-5.
Gen. Stat.

§ 9. Sections eleven, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen of said chapter are hereby amended by substituting the words "Public Printer" for the

1876. words "Contractor for the Public Printing and Binding," wherever the latter occurs, but otherwise to remain in full force.

§ 10. All acts or parts of acts in conflict herewith are hereby repealed.

§ 11. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 898.

AN ACT to amend an act, entitled "An act to establish a criminal court in the sixth judicial district and Hardin county," approved 23d February, 1876, and to add Taylor county to said criminal court judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to establish a criminal court in the sixth judicial district and Hardin county," approved 23d February, 1876, be, and the same is hereby, amended by striking out of said act and the title thereof Hardin county wherein it occurs, and inserting therein Taylor county in lieu of Hardin county.

Adds Taylor
to 6th criminal
district.

§ 2. *Be it further enacted,* That the county of Taylor is hereby attached to, and shall compose a part of, said criminal court judicial district, the same as if the said county had been mentioned in the original act to which this is an amendment.

§ 3. *Be it further enacted,* That all the provisions of said act shall apply to Taylor county, and all the civil officers thereof, in the same manner as to the other counties of said criminal court judicial district.

1st Monday in
April and Octo-
ber.

§ 4. *Be it further enacted,* That the terms of said court shall be held in Taylor county, at Campbellsville, as follows: One term beginning on the first Monday in April each year, and continue twelve juridical days, if the business require it, and one term beginning on the first Monday in October in each year, and continue twelve juridical days, if the business require it.

§ 5. *Be it further enacted,* That all acts in conflict with this act are repealed.

§ 6. This act to be in force from its passage.

Approved March 20, 1876.

CHAPTER 900.

1876.

AN ACT to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the three lunatic asylums of this State shall be, and are hereby, continued under their present organization and the control of their present commissioners; and the commissioners, superintendents, stewards, and other officers shall hold their offices for the term for which they were respectively appointed, but subject to removal according to law. Each asylum is declared to be a body-politic and corporate, for the benefit of the State—that at Lexington, by the name of the “Eastern Kentucky Lunatic Asylum;” that at Hopkinsville, by the name of the “Western Kentucky Lunatic Asylum;” and that at Anchorage, by the name of the “Central Kentucky Lunatic Asylum;” and as such shall have perpetual succession; may have and use a common seal; may make contracts; may sue and be sued; may receive any gifts or devise in aid of objects of its institution; and shall have all other rights and powers, incident to corporations, which are necessary and proper for carrying out the purposes for which it was established. The said corporations are severally invested with the title to all the property and rights of action now held by the institutions respectively.

§ 2. The board of commissioners for each asylum shall be composed of nine discreet business men, residing within six miles of the asylum, appointed by the Governor, by and with the consent of the Senate, and he may fill vacancies that happen, in the recess of the Senate, by granting commissions, which shall expire at the end of its next session. The term of office of each commissioner shall be six years, except the boards appointed first after the passage of this act. The board of commissioners of each and every of said asylums, at their first meeting, which shall be held at their respective asylums on the first day of May, 1876, shall divide by lot their respective boards into three classes; three commissioners shall be allotted to each class, and the seats of the first class shall be vacated on the first day of January, 1878; that of the second class vacated two years thereafter; that of the third class vacated four years thereafter from the first day of

See p. 642 et seq., Gen. Stat., and act April 21, 1873.

See Gen. Stat., p. 648 et seq.

Bodies-politics.

Changes names.

Board to be nine appointed by the Governor, with advice of Senate.

Vacancies filled by Governor.

Term six years.

Board to be divided into three classes; first class vacate 1st January, 1878, & others two and four years thereafter.

1876.

Commissioner
to take oath.

January, 1878, and so one class of three commissioners shall vacate every two years. Each commissioner, before entering upon the trust, shall take an oath that he will well and faithfully discharge the duties thereof.

Board to elect
own president.
Majority is a
quorum. Record
must be signed
by president, at-
tested by secre-
tary.

§ 3. I. The commissioners shall elect one of their own number president of the board. A majority shall constitute a quorum, but a concurrence of not less than a majority of all the board shall be necessary for the allowance of any claim or the transaction of any other business; and such proceedings shall not then be binding until the record thereof shall have been approved and signed by the president, and countersigned by the secretary.

Board to have
management.

II. They shall have the general management and control of all the land, buildings, funds, books, papers, and other effects and property of their respective asylums, and shall cause them to be used and applied in the way best calculated, in their judgment, to promote the objects for which the institution was established. They shall cause all State appropriations to be used as directed by law, and all private donations and grants to be sacredly applied to the purposes specified by the donors or the grantors; but the State reserves full control over the institutions, their officers, and affairs.

State reserves
full control.

III. They shall make such by-laws and regulations as they may deem necessary for the government of the institutions and of all officers and employees connected with them.

By-laws.

IV. They shall hold regular meetings at the asylums at least once in each month, and oftener, if the interests of the institutions shall require. Meetings may be called by the president or any two commissioners. They shall maintain a vigilant inspection of the asylums, for which purpose one of them shall visit them every week, two in each month, a majority in each quarter, and the whole board once in every six months, in the manner and at times prescribed by the by-laws. The visiting commissioners shall note in a book kept for the purpose the date of each visit, the condition of the house, patients, &c., with such remarks as may be deemed necessary. Any commissioner who cannot or will not comply with his duty as visitor for three months shall vacate his office, and the president shall report the same to the Governor, who shall fill the vacancy.

Monthly meet-
ings and oftener
if, &c.

Requires week-
ly visits, and
each to be re-
corded, &c.

Three months
non-compliance
vacates office.

Appointees a
term of.

V. They shall appoint a secretary and treasurer and matron for the term of four years, and may remove them

at their discretion, and fill their places with others. No secretary or treasurer shall be a member of the board of commissioners, and no commissioner nor other officer shall sell anything to the asylums nor make with them any contracts in which he is directly or indirectly interested, nor shall the office of secretary and treasurer be held by one and the same person.

1876.

No officer shall sell anything to asylum.

Secretary and treasurer not to be by same person.

VI. They shall keep a record of all their proceedings, which, together with the books of the secretary, treasurer, and steward, and other officers, and all books and papers of the institutions, shall always be open to the inspection of the superintendent or any commissioner, the Governor, a committee of the Legislature, or any person appointed by either the Governor or the Legislature for their examination.

Record of all proceedings to be kept and subject to inspection.

§ 4. There shall be for each asylum a medical superintendent, who shall be a skillful physician, and a steward; and for the Eastern Kentucky Asylum a first and a second assistant physician; and for the Central Kentucky Asylum, one assistant physician. These officers shall reside in the asylum. They shall be appointed by the Governor, by and with the advice and consent of the Senate; and he may fill vacancies that happen during the recess of the Senate, by granting commissions that shall expire at the end of its next session. Their term of office shall be four years; but they shall be subject to removal by the Governor at his discretion. These officers, and also the treasurer and matron, shall receive such compensation as is now provided by law, except as otherwise provided herein; and the salaries of all officers shall be paid out of the general appropriation made by the State for the support of the institution.

Officers of and how appointed, four years.

Vacancies filled by Governor.

Subject to removal by Governor.

Compensation—how paid.

§ 5. I. The medical superintendent shall have the general management, supervision, and control of the asylum and patients, subject to the regulations of the board of commissioners, and shall devote his entire time thereto. He shall keep a register of all patients, showing their names, ages, residences, dates of reception and discharge or death, by whose authority received or discharged, and whether they are pay patients or paupers.

Medical Superintendent.

Register.

II. The superintendent shall appoint all such other inferior officers and employees (not otherwise provided for in this act) as he may deem necessary for the proper management of the

Inferior officers.

1876. institution, and he may remove any of them at pleasure and fill their places with others.

Receiver. III. It shall be the duty of the superintendent to appoint a receiver, to be approved by the commissioners, whose duty it shall be to receive all goods and supplies of any and all kinds purchased for the use of the asylum; take charge of them, see that they correspond with the bills accompanying them in character, quantity, and quality; weigh or measure the same, and distribute them to each and every department of the asylum as the superintendent may direct by written order; and in a book kept for the purpose open an account with each and every department, charging therein cost price for all goods so received and distributed. This book shall be open at any and all times for the inspection of the superintendent, any commissioner, and of the Governor, a committee of the Legislature, or any person appointed by either for the examination.

Receiver to keep book of accounts.

Absence of Superintendent. § 6. In case of the sickness or absence of the superintendent, his duty shall be discharged by the first assistant physician; and if the first assistant be absent or sick, then by the second assistant physician, if there be any.

Treasurer to give bond \$30,000 every two years. § 7. The treasurer, before acting as such or receiving any funds of the institution, shall execute covenant to the Commonwealth in the sum of thirty thousand dollars, with sufficient sureties, approved by the Governor, and by the respective county judges of the county in which the asylum is situated, for the safe-keeping and proper disbursement and appropriations of all money, and other means and effects, which may come to his hands as such, and for the faithful discharge of all other duties devolved upon him. These covenants shall be renewed once in every two years, and oftener, if required by the board. Suit for any breach thereof may be brought, in the name of the Commonwealth, for the use of the asylums, and of any other person interested, upon order of the board of commissioners.

Suit on.

Treasurer to receive all moneys and receipt for same, and settle accounts every 3 months. § 8. I. The treasurer, under order of the board of commissioners, shall receive from the treasurer of the State all moneys appropriated for the use of the asylum, and receipt to him therefor. It shall be his duty, also, to receive, collect, sue for, and pay out all moneys due and belonging to the asylum, and he shall settle his accounts with the board at least

once in every three months, and with the Auditor in the month of December of every year. 1876.

II. He shall make to the Governor, quarterly, a report of the financial condition of the asylum, including a detailed statement of the income and expenditures for the quarter. Make report to Governor quarterly.

III. He shall keep all the money coming to his hands as treasurer to his credit as such in one of the banks incorporated by the laws of this Commonwealth. It shall be unlawful for him to appropriate any part of it to his own use, or to lend any of it to any other person, or to pay out or disburse any of it, whether in liquidation, in whole or in part, of any claim against the asylum, or for any other object whatever, except upon the warrant of the president, countersigned by the secretary; or to check or draw any of it out of bank, except for the payment of such warrants after they have been drawn; and for all violations of these prohibitions he and his sureties are made liable on his official bond for the amount of the sum or sums so unlawfully appropriated, lent, paid, disbursed, checked, or drawn out, with ten per cent. damages, recoverable in an court of competent jurisdiction in this Commonwealth. Deposit in bank and how to pay out.

IV. He shall keep true and complete books of account of all his financial transactions, incident to the management of the asylum, specifying whence received, and for what expended, and of all sum receivable and payable. Books of account.

§ 9. I. No amount or claim of any kind brought against either of the asylums, whether by an officer thereof or any other person, shall be paid in whole or in part until it shall have been first examined and indorsed by the superintendent and submitted to the board of commissioners and determined by them to be just and right, and directed to be paid by an order entered on the record of its proceedings; and the president shall not issue any warrant on the treasurer, except for the amounts of claims which have been so submitted to the board, allowed by it, and ordered to be paid. When accounts to be paid by.

II. Whenever he shall issue any such warrant he shall cause the number, date, and amount thereof, and the name of the person in whose favor it is made, to be entered by the secretary in a separate book kept for that purpose; and whenever he shall receive any money for the use of the asylum, he shall cause the same to be entered by the secretary All amounts paid to be recorded, & to whom, &c.

Money received, how to be booked.

1876. in said separate book, but in a different part of it, stating the amount of money, the character and amount of means, and when and from whom received, and thereupon he shall deposit said money and other means (of whatever character they may be) with the treasurer and take his receipt therefor, and preserve it as a voucher.

Steward, duties
of, how to buy,
&c.

§ 10. I. The steward, by direction of the superintendent, shall purchase and furnish to the asylum all needed supplies of every description, and shall consult him as to the character, quantity, and quality of all such supplies. They shall be bought where they can be bought cheapest, due regard being paid to quality as well as price. He shall not draw on the treasurer for money to pay for such supplies, in whole or in part, but shall cause itemized accounts of the same to be made, in the names of the sellers, against the asylum, setting forth separately the date of purchase and the name and price of each article of purchase, and shall present these accounts, indorsed by the superintendent, to the board of commissioners for allowance. And he shall carefully enter in a book kept for the purpose the number, dates, and amounts of the warrants issued by the president for payment of the accounts for supplies purchased by him, and the names of the persons in whose favor they are made.

Steward.

Inventory.

II. He shall have charge of the farm and garden attached to the asylum, and shall have and control the cultivation and management of the same, subject to the regulation of the board of commissioners. Within the first week after entering upon his duties, he shall take and file a complete inventory of all the crop on hand, live stock, farming utensils, vehicles, and all other effects properly pertaining to the farm and garden, and shall preserve and be responsible for these and for all subsequent products of the farm and garden, and all other stock and effects that may come into his charge in the management thereof, and none of them shall be taken therefrom without the knowledge and consent of the superintendent.

Supplies from
garden and farm
stated, &c.

III. It shall be his duty to furnish for the asylum such supplies from the farm and garden as can be provided therefrom, and to present monthly to the secretary written statements of the kinds, amounts, and market value of the supplies so furnished, verified by certificates from the officers through whose hands they have passed. These statements shall be

entered in the books of the secretary and steward, and filed and kept by the latter as vouchers.

1876.

IV. No stock or produce of the farm or garden shall be sold by the steward without authority from the board of commissioners; and when sales are made, he shall pay and deliver the proceeds to the treasurer, and take his receipt therefor, specifying what was sold, to whom, and for what price. These receipts shall be recorded in the books of the secretary and steward, and filed and kept by the latter in his office as vouchers.

Stock or produce of garden or farm not to be sold except.

V. It shall be the duty of the steward to keep a complete record of all his official acts, and to report them to the Governor monthly, along with the statement of the condition of the farm and garden, and the number, character, and condition of the stock under his care and control. He shall annually, during the month of November, make and render to the board of commissioners a true and perfect inventory, verified by oath, of all the personal property of every description belonging to the asylum, with the estimated value of the various articles.

Steward to keep record of acts, &c., and report in November.

VI. Before entering on the duties of his office, he shall give a covenant to the Commonwealth, with good security, worth four thousand dollars, approved by the county judge of his county, for the faithful discharge of his duties; which covenant shall be filed with and preserved by the secretary. The steward hereafter appointed to either of the lunatic asylums in Kentucky shall receive for his services the sum of eight hundred dollars per annum, and his board and lodging at the asylum, or in lieu of said board and lodging, a reasonable allowance to be made by the commissioners; but the family, if any, of the present steward, or those hereafter appointed, shall not be supported by the asylum fund, nor shall said family in any way be a tax thereon.

Covenant of Steward.

Salary \$800, &c.

§ 11. It shall be the duty of the Governor, whenever, in his opinion, the interest of the Commonwealth demands, to appoint a special auditor to inspect the books and the accounts kept in either asylum, and report its true financial condition and management as respects receipts and disbursements, and the propriety thereof.

Governor to appoint special auditor.

§ 12. The commissioners and all officers of the asylum, and the servants of the asylum, shall be exempt from militia duty,

Exempt from militia, road, and jury duty.

1876. from working on the public highway, and from serving on any jury. Nor shall the officers and servants be required to give personal attendance as witnesses in any civil suit out of the county in which the asylum is situated, but their depositions shall be taken in lieu thereof.

Pay patients. § 13. Under no circumstances shall it be permitted that, by the reception of pay patients from other States, the asylum be so crowded that any delay shall be incurred in the immediate reception into the asylum of patients resident in this Commonwealth, either paying or pauper.

Private patients. § 14. No private patient, who has not been found to be insane by regular inquest, shall be received into either of said asylums. Nor shall any patient be discharged as cured, or delivered into custody of friends, whose friends have placed him in the asylum, but by permit of superintendent and two commissioners. Any cured patient who was committed to the asylum, whilst in custody of the law upon a criminal charge, shall be delivered to the keeper of the penitentiary, or to the jailer of the county whence he came, as the case may require. A cured pauper, before being discharged, shall have a good suit of clothes, and be furnished with money enough to pay his traveling expenses back to home, not exceeding twenty dollars.

How discharged.

Patient charged with crime shall be delivered to Keeper of Penitentiary or jailer.

§ 15. The commissioners may charge for board of paying patients any sum, in their discretion, not exceeding four dollars per week; and when the estate of the patient warrants it, his committee may contract for his receiving special comforts, and being exempt from work, at an additional rate, not exceeding five dollars per week.

May charge for board not more than \$4 per week.

§ 16. No patients, except those who are paupers, according to the provisions of section five, article two, chapter fifty-three, of the General Statutes, and of any amendments which may be made thereto, or who have been, or may be, sent to the asylum, by order of the court, upon an acquittal of crime, on the ground of insanity, shall be received or retained in either of the lunatic asylums of this State, unless six months' board be always paid in advance, and board for the residue of the time they may remain in the asylum be secured by the obligation of one or more sufficient residents of this State; and the courts or officers shall make their orders for the committal of all patients (with the above exceptions) to

What patients may be received. See p. 536, Gen. Stat.

Orders of courts, how to be made in, &c.

the asylums conditional upon such prepayment being made and security given. But if the patient be discharged or die before the expiration of the six months paid for, a proper portion of the amount paid shall be refunded.

1876.

§ 17. No married person of unsound mind shall be held a pauper under the provisions of the aforesaid section of the General Statutes, unless it shall be found upon the inquest, in addition to the other facts required, that such person's husband or wife (as the case may be), if living, has not sufficient estate to support the person of unsound mind, besides supporting others who may be dependent on such husband or wife; and the court or officer holding the inquest shall require the jury to return a finding on this subject.

Married persons.

§ 18. Where patients, who have been or may be supported in either of said asylums, have or shall acquire estate which can be subjected to debt, the board of commissioners of such asylum is authorized and directed, in every such case, to sue for, in the name of the asylum, and recover the amount of such patient's board, at the rate of two hundred dollars per year, or so much thereof as such estate will suffice to pay, for the time they shall have been respectively kept and maintained therein, and not otherwise paid for; and by proper proceeding to subject their estates respectively to the payment thereof; and when the husband or parent of any such patient, who has been or may be supported in either asylum, shall have estate sufficient for the support of such patient, in addition to the support of any others who may be dependent on such husband or parent, the board of commissioners is authorized and directed, in like manner, to sue and recover from such husband the amount of his wife's board, and from such parent the amount of his or her child's board, at the rate aforesaid, for the time they shall have been respectively supported by such asylum.

When commissioners to sue for board.

§ 19. Actions in behalf the asylum may be instituted in any court of this Commonwealth, in which the same would be proper as between individuals.

§ 20. The superintendent and board of commissioners shall, on or before the first of November in each year, make a report to the Governor of the condition of the asylum under their charge, exhibiting the amounts of income and expenditure, for what the expenditures were made, the number and names

Report of Governor or 1st November each year, and what.

1876. of the patients (distinguishing pauper from pay patients, and specifying the places from which they came), the number received and discharged each year, with such other facts and suggestions as they may deem important, which report the Governor shall communicate to the Legislature at its next regular session.

President and Superintendent to certify every three months to Auditor, & what.

When Auditor to issue warrant, and for what.

No liability on behalf of State to be incurred.

Expenses of conveying paupers to and returning, when cannot be received.

§ 21. The president of the board of commissioners and the superintendent of each asylum shall, every three months, jointly certify, on oath, to the Auditor of Public Accounts, the number of patients actually supported in the asylum, specifying the number of paupers, of those who pay in full, and those who pay in part, and the amount paid in part by each. Thereupon the Auditor shall draw his warrant on the State Treasury in behalf of such asylum for a sum equal to two hundred dollars a year for each pauper patient so supported, and for so much in addition as will, when added to the sum paid by those partially dependent on the charity of the Commonwealth, be equal to two hundred dollars for each patient; the sums herein mentioned to be drawn in advance. But it is to be understood that out of this permanent appropriation the board of commissioners shall pay for all repairs to and expenses of the institution, and the salaries and wages of all officers and employees, but not the expenses of conveying patients to the asylum. And they shall incur no liability on behalf of the State for any purpose beyond the amount received from the Treasury and from pay patients.

§ 22. The expenses of conveying pauper patients to the asylum shall be paid to the persons conveying them by warrant of the Auditor on the Treasurer of the State; the sum due for conveyance to be certified by the superintendent of the asylum to which the patient is carried. Only one person shall be paid for conveying any patient, unless the court shall say that an additional guard or guards are necessary; and the cost shall not exceed six cents per mile for the guard or guards and patient, each, going, and six cents per mile for the guard returning; the distance to be estimated by the nearest usual route of travel. If the patient cannot be received by the asylum, six cents per mile for his or her returning shall also be allowed. But no allowance shall be made for such expense of either guard or patient to or from the

asylum, unless either an application has been made, first by letter to the superintendent, or an order of court made to carry the patient to the asylum immediately pursuant to the provisions of section twenty-one of article two, chapter fifty-three, of the General Statutes, entitled "Idiots and Lunatics."

1876.

§ 23. If the necessities of the institution should demand the temporary employment of additional physicians, the board of commissioners may order the employment of not exceeding two, who may thereupon be appointed by the superintendent, by and with the advice and consent of the board. Their employment shall be subject to be terminated by the board when it thinks proper.

Additional physicians.

§ 24. The board of commissioners may effect and keep insurances for reasonable amounts upon the asylum buildings, with some good insurance company or companies, and pay the premiums out of the funds of the institution.

Insurance.

§ 25. I. White lunatics and idiots resident in Kentucky, and found in the counties of Kenton, Grant, Owen, Franklin, Anderson, Mercer, Boyle, Lincoln, Pulaski, and Whitley, or any county east of these, when sent to an asylum shall go to and be received under the legal requirements, by the Eastern Kentucky Lunatic Asylum, if there be room therein. Those found in any county west of these, and east of the counties of Breckinridge, Grayson, Edmonson, Barren, and Allen, shall be sent to, and in like manner be received by, the Central Kentucky Lunatic Asylum; and those found in the counties last named, and the residue of the State, shall be sent to, and in like manner be received by, the Western Kentucky Lunatic Asylum.

White.
Districts from
and to which
asylum sent.

II. Colored lunatics and idiots resident in Kentucky, and found in the counties of Kenton, Grant, Owen, Franklin, Anderson, Washington, Marion, Taylor, Adair, Russell, and Clinton, or any county east of these, if sent to an asylum, shall go to, and be received under the legal requirements by, the Eastern Kentucky Lunatic Asylum, if there be room therein. Those from the rest of the State shall be sent to, and in like manner be received by, the Central Kentucky Lunatic Asylum.

Colored.
Eastern and
Central to receive

III. Whenever the number of patients sent to either asylum is greater than can be properly accommodated and cared for

Rejected at one
sent to others.

1876. in that institution, and there is at the time capacity for the reception and care of the patient at either of the others, it shall be the duty of the commissioners and superintendent of such other to receive as many of those rejected at the former, for want of room, as can be properly accommodated. When, upon application to the proper asylum, the patient is rejected for want of room, immediate application shall be made to another: *Provided, however,* That colored patients shall only be sent to or kept by the Eastern and Central Asylums: *And provided also,* That the white and colored patients shall not be kept in the same buildings.

White and colored to be kept separate.

Governor must keep each full.

IV. The Governor is empowered and directed to take care that each of the asylums is kept full to its utmost capacity of such patients as are receivable by it, as long as any such patients in the State are unprovided for, and that each receives its due proportion of the patients in excess of the ordinary capacity of the asylum.

Idiot, unless dangerous, not to be sent to.

§ 26. No order shall be made by any court or officer for sending a pauper idiot to an asylum, nor shall such idiot be received therein unless the jury, by their verdict, on the inquest, shall find that he is so dangerous or uncontrollable that he cannot be safely and properly kept by a committee within the county.

Idiots may be now sent back to county and put in charge of committee, &c.

§ 27. I. In order to relieve the State from an undue accumulation of patients, the several asylums may send back to the counties of their residence, or whence they came, any idiots who are now, or may hereafter be, in such asylums, and who, in the judgment of the commission herein authorized, can be safely and properly kept by a committee within their counties. The president of the board of commissioners of each asylum, the superintendent, and one other of the commissioners, to be from time to time appointed by the board, as necessity may arise, shall constitute a commission to act upon such cases as the superintendent may propose to send back. They shall investigate each case carefully and thoroughly; and if, after such investigation, they shall all concur in opinion that any specific patient is so quiet, harmless, and governable, and his physical condition is such that he can be safely and properly kept by a committee within the county, they shall, in each case, make duplicate certificates of their determination, signed by them all, one to be

Duties of commissioners in regard to.

filed and kept by the superintendent, the other to be sent with the patient. 1876.

II. Thereupon it shall be the duty of the superintendent to send each paying patient, as to whom such certificate shall be made, back to the county of his residence, or whence he came, and deliver him, with one of said certificates, to his committee, if there be one; if there be no committee, then to his friends who have provided for his support; and he shall send each pauper patient, as to whom such certificate shall be made, back to the county of his residence or whence he came, during the term of the court having general equity jurisdiction therein, to be brought before said court, that it may provide for his custody and support. The certificate of the commission aforesaid, and a copy of the original inquest papers, if remaining at the asylum, shall be sent along with the patient, and presented to the court; and it shall be the duty of the attorney for the Commonwealth, or, in his absence, the county attorney, to procure the proper steps to be taken in such cases.

Duty of Superintendent, courts, Commonwealth's and county attorneys in regard to idiots, return of, &c.

III. The courts, in cases brought before them under these provisions, shall take proper proceedings and make the proper orders for the custody and support of such idiots.

IV. The said courts shall have power to direct such pauper idiots to be kept in the poor-house of the county, if there be one; and in such cases the allowances for their support shall be paid to the receiver of the poor-house, who shall be liable on his official bond for a faithful appropriation and a just account thereof.

Power of courts.

V. The foregoing provisions apply equally to male and female patients.

§ 28. The provisions of this act, so far as they are the same in substance as those of existing laws, are declared, and shall be construed, to be a continuation of such laws, and not as new enactments; and the provisions of chapter fifty-three of the General Statutes, entitled "Lunatic Asylums," and those of "An act concerning the various charitable institutions of this Commonwealth," approved April 21st, 1873, so far only as the relate to and effect the lunatic asylums, are hereby repealed, except such of them as are continued and renewed

1876. in and by this act; and all acts and parts of acts in conflict with the provisions of this act are repealed.

§ 29. This act shall take effect one month from its passage.

Approved March 20, 1876.

CHAPTER 902.

AN ACT to provide for liens for laboring men and supply men.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Lien of employ-
ees. Supply
men of railroad,
rolling-mill,
foundry, or man-
ufacturing estab-
lishment, wheth-
er incorporated
or not.

§ 1. When the property or effects of any railroad company, or of any owner or operator of any rolling-mill, foundry, or other manufacturing establishment, whether incorporated or not, shall be assigned for the benefit of creditors, or shall come into the hands of any executor, administrator, commissioner, receiver of a court, trustee, or assignee, for the benefit of creditors, or shall in anywise come to be distributed among creditors, whether by operation of law or by the act of such company, owner, or operator, the employees of such company, owner, or operator in such business, and the persons who shall have supplied materials or supplies for the carrying on of such business, shall have a lien upon so much of such property and effects as may have been embarked in such business, and all the accessories connected therewith, including the interest of such company, owner, or operator in the real estate used in carrying on such business.

A superior lien.

§ 2. The said lien shall be superior to the lien of any mortgage or other encumbrance heretofore or hereafter created, and shall be for the whole amount due such employees as such, or due for such materials or supplies: *Provided*, That no president or other chief officer, nor any director or stockholder of any such company, shall be deemed an employee within the meaning of this act.

Duty of trustee,
&c.

§ 3. When the trustee or other person having the administration or distribution of such property or effects shall continue the operation of the business, it shall be his duty, at the end of each calendar month, after payment of current expenses, and after payment of any debt due the United States, or the State of Kentucky, to distribute the remaining money in his hands among the persons to whom a lien is

hereby given *pro rata*, except twenty per cent. thereof, which he may, if necessary, reserve for contingent expenses.

1876.

§ 4. When any such company, owner, or operator shall suspend, sell, or transfer such business, or when the property or effects engaged in such business shall be taken in attachment or execution, so that the business shall be stopped or suspended, the said lien shall attach as fully as is provided in section first of this act, and in such case may be enforced by proceedings in equity.

When in case of suspension, sale, transfer, attachment, or execution.

§ 5. The plaintiff in such proceedings may unite with him as co-plaintiffs any number of similar lien-holders who consent thereto, and shall make all lien-holders and encumbrancers parties: *Provided*, That where parties are numerous, any one or more may be designated by the court to prosecute or defend for the same class: *And provided further*, That such suit shall be begun within sixty days next after the right of action shall accrue.

All lien-holders may unite.

Suit to be begun in 60 days.

§ 6. That all persons whose property shall have been injured by the carelessness of a railroad company or its employees, shall have the like lien for the recovery of damages for such injury, and that the statute of limitations for such injuries shall be the same as against a railroad company, as is provided in the General Statutes against natural persons; and that all acts in conflict therewith are repealed.

Injury by railroad, and limitations.

Approved March 20, 1876.

CHAPTER 907.

AN ACT declaring Rockcastle river a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Rockcastle river be, and the same is hereby, declared a navigable stream from R. P. Gresham's, in Laurel county, to its mouth, but not to interfere with the vested rights of Christopher Pitman in his mill-dam at Sublimity, until his chartered right in said mill-dam expires.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

1876.

CHAPTER 942.

AN ACT to amend article eleven, chapter twenty-nine, of General Statutes:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See p. 333 et
seq., Gen. Stat.

§ 1. That article eleven of chapter twenty-nine of the General Statutes be, and it is, amended by striking out the word "four," wherever it occurs, in section one, four, and five, and by inserting the word "ten" in its place; and by striking out the words "thirty days" in section five, and by inserting "twelve months" in their place: *Provided*, That in any prosecution, after this act takes effect, for larceny done before it takes effect, if the value of the article stolen was less than four dollars, no female shall be imprisoned more than thirty days; and if the article stolen was of the value of four dollars or more, and less than ten dollars, the defendant shall have the benefit of the milder punishment prescribed by this act, if he asks for it; and if he does not, the punishment shall be that now prescribed by the article hereby amended.

See p. 334, Gen.
Stat.

Approved March 20, 1876.

CHAPTER 945.

AN ACT to regulate the jurisdiction and trial of criminal and penal cases in Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Confers criminal
and penal juris-
diction on com-
mon pleas court
concurrent with
circuit court.

§ 1. That concurrent jurisdiction is hereby conferred on the Warren court of common pleas in all criminal and penal proceedings; and said court shall have the same power and jurisdiction of the circuit court in said county; and the judge of the common pleas court shall have all the power that is conferred by law on the circuit judge for the trial of criminal and penal cases; and shall perform all the duties imposed, and be liable to all the responsibilities imposed, by law on the circuit court judge of said county in all such jurisdiction; and the judge of said common pleas court shall also have jurisdiction in cases of inquest of lunacy and idiocy, and concurrent jurisdiction in allowing claims connected with the business of criminal and penal cases in said county.

§ 2. That all laws in regard to proceedings in criminal and penal cases applicable to the Warren circuit court shall be equally applicable to the Warren court of common pleas; and the judge of said court of common pleas shall have all the power and authority in regard to the administration of criminal and penal law which the judge of said circuit court has.

1876.

§ 3. Said court of common pleas shall, at its next April term, proceed, according to law, to have a grand jury selected and summoned to attend at its succeeding October term.

At April term grand jury to be selected for next October.

§ 4. The clerk of said circuit court and court of common pleas shall keep for criminal and penal business in said courts but one set of record-books, and he shall keep a record of all proceedings in criminal and penal cases in said courts, entering the proceedings of the circuit court at its July term, and following the entry by the record of the proceedings of the court of common pleas at its October term, and so on.

One set of books for criminal and penal business for both courts.

§ 5. The circuit court shall have full power and authority to try, decide, and dispose of all indictments that may be found by the grand jury, and of prosecutions that may be pending in the court of common pleas; and the court of common pleas shall have full power and authority to try, decide, and dispose of all indictments that may be found by the grand jury, and of prosecutions that may be pending in the circuit court; and it shall not be necessary for either court to make an order transferring any indictment or prosecution to the other court; but every indictment or prosecution of any kind, pending in either court at its adjournment, shall be docketed for trial at the next term of the other court, and all process and proceedings shall be had accordingly. And in every case continued, witnesses shall be recognized to appear at the next term of the other court.

Reciprocal duties of the two courts.

§ 6. It shall be the duty of the Commonwealth's Attorney for the fourth judicial district to appear and represent the Commonwealth in all cases in said courts.

Commonwealth's attorney.

§ 7. This act shall take effect on the first day of April, 1876; but there shall be no trial of criminal or penal cases in said court of common pleas at its April term, 1876.

Approved March 20, 1876.

1876.

CHAPTER 956.

AN ACT to amend section two of article one, chapter twenty-eight, title "Court of Appeals," of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See p. 277,
Gen. Stat.

§ 1. That section two of article one, chapter twenty-eight, title "Court of Appeals," of the General Statutes, be, and same is hereby, amended by adding the county of Kenton to the second appellate district; and said county of Kenton shall hereafter belong to and compose a part of said second appellate district.

§ 2. This act to take effect from its passage.

Approved March 18, 1876.

CHAPTER 958.

AN ACT directing the Secretary of State to furnish certain books for the use of the commissioner's office of the Louisville chancery court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See p. 140,
Gen. Stat.
Statute and Code
to be furnished to
Commissioner of
Louisville Chan-
cery Court.

§ 1. That the Secretary of State be, and he is hereby, directed to furnish, for the use of the commissioners of the Louisville chancery court, one copy of the General Statutes; also one copy of the present Code, and also of the revised Code, together with all acts that may hereafter be passed amendatory of the Statutes or Code.

§ 2. That this act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 964.

AN ACT to protect sheep from depredations by dogs, and to authorize the county courts to impose taxes on dogs for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
may impose tax
upon dogs for
county purposes
of §2.

§ 1. The county courts, composed of the county judge and justices of the peace, in the various counties in this Commonwealth, shall have the power, at the same time they fix the county levy for county purposes, to impose a tax on dogs of

both sexes, to be paid by the owner, for county purposes; said tax to be imposed, collected, accounted for, and applied as other county levy; but such tax shall not exceed two dollars on each dog.

1876.

§ 2. Said county court shall have authority to make an order upon the record of said court, exempting from such taxation so many dogs which belong to *bona fide* housekeepers with a family as they may think proper, and may release a tax imposed on such as are exempt by such order.

May exempt of
bona fide house-
keepers.

§ 3. Said county court may also have authority to confer upon certain persons the privilege of keeping hounds for the chase, upon their entering into bond and good security, conditioned to account to any person damaged by the depredations of their hounds, and upon such other terms as the court may impose.

May allow
hounds, and how.

§ 4. Said county courts may, after allowing such exemptions as herein provided for, and granting such specified license as is also provided for herein, tax all other dogs such sums, not exceeding two dollars each, as to the court may seem proper.

§ 5. This act shall only apply to the counties of Warren, Allen, Barren, Gallatin, Ohio, Muhlenburg, Trigg, Greenup, Lawrence, Boyd, Elliott, Magoffin, Johnson, Morgan, Lee, Wolfe, Breathitt, Owsley, Powell, Menifee, Hart, Green, and Larue, Hancock, Simpson, Hardin, Taylor.

Counties to
which this ap-
plies.

§ 6. The provisions of this act shall apply to the counties of Logan, Robertson, and Nicholas, Pulaski, Anderson, if a majority of the legal voters shall vote the power to the county court at the next regular election.

Voters of cer-
tain counties to
adopt.

Approved March 20, 1876.

CHAPTER 974.

AN ACT to amend chapter seventy-six of the General Statutes, title "Militia."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the duties required of assessors and county clerks by article two of chapter seventy-six of the General Statutes, title "Militia," shall not be performed, except when the Governor, by public proclamation, commands the same. When

See p. 660, Gen.
Stat.

Assessor is not
to prepare roll of,
except when or-
dered by Govern-
or.

1876.

Tax of 25 cents
repealed.

See p. 661, Gen.
Stat.

so commanded, the compensation for such services shall be that fixed by section five of said article; and the penalty for failure to obey said command shall be that prescribed by section six of said article. Section eleven of article second, chapter seventy-six, is hereby repealed.

See p. 667 of
Gen. Stat.

Governor alone
authorized to call
out.

§ 2. That article four of said chapter be so amended that hereafter only the Governor of this Commonwealth shall have power to call out the military for the purposes therein mentioned; and when the troops, or any part of the military force of the State, is so called out, the Governor may indicate any one of the magistrates or officers mentioned in section one of said article, to whom the commanding officer of the troops shall report; and said magistrate or civil officer shall then perform all the duties required by said article of magistrates and civil officers who have called out troops under the power heretofore invested in them by law.

Cadets to
constitute State
Guard.

Aid-de-camp.

Organization and
discipline.

§ 3. The following is made an additional article to said chapter: The cadet organizations of the several military schools in this State, to which arms or other military property belonging to the State have been or may be hereafter issued, shall constitute the cadet corps of the Kentucky State Guard. The commandant of each of said organizations shall be commissioned as an aid-de-camp on the staff of the Governor, and shall make such reports and returns, concerning the State property under his control, as may be required of company or regimental officers of the State Guard. In all matters relating to organization, discipline, and instruction, and the appointment of commissioned and non-commissioned cadet officers, the said organizations shall be governed by the regulations prescribed by the charters of the institutions to which they respectively belong, or by such regulations, in the absence of others prescribed by charter, as may be directed by the faculty.

§ 4. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 987.

1876.

AN ACT to prescribe an oath to be taken by all officers elected or appointed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter all officers of this Commonwealth, Oath of all officers. elected or appointed, shall, before entering upon the duties of the office to which they have been elected, take the following oath: I, ———, do solemnly swear (or affirm) that I have not, directly or indirectly, given, advanced, or loaned any money, or property of any kind whatever, to any person or persons, for the purpose of being employed or used in promoting my election or appointment to the office I now claim; nor have I, previous to my election, agreed or promised, directly or indirectly, to give, advance, or loan any money or property for such purpose.

Approved March 20, 1876.

CHAPTER 998.

AN ACT to regulate the civil jurisdiction of justices of the peace, police judges, and quarterly courts, and the appellate jurisdiction of circuit courts from judgments, and to authorize the quarterly courts to appoint clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in civil actions and proceedings the quarterly courts of this Commonwealth shall have jurisdiction for the recovery of money or personal property where the matter in controversy, exclusive of interest and cost, does not exceed two hundred dollars in value.

See p. 300 et seq., Gen. Stat.
Increases jurisdiction in matters of assumpsit.

§ 2. That justices of the peace and police judges shall have jurisdiction concurrent with the quarterly court in all actions and proceedings, for the recovery of money or personal property, where the matter in controversy, exclusive of interest and cost, does not exceed one hundred dollars in value.

See pp. 307-8, &c., Gen. Stat.

§ 3. The pleadings in all cases before a justice of the peace and police judge shall be, also, before the quarterly court, where the matter in controversy is not of greater value than one hundred dollars, exclusive of interest and cost; but be-

Pleadings oral, except, &c.

1876.

Manner of proceeding.

for a summons shall issue the plaintiff shall file with the judge or justice of the peace a written statement of his account or claim, or a statement upon which he founds his action, as now provided by section eight hundred and twenty-seven of the Civil Code of Practice.

Jury.

§ 4. The judge or justice of the peace before whom any such action or proceeding is pending for trial shall try the same without a jury; but in all cases where the matter in controversy is of the value of ten dollars or more, exclusive of interest and costs, either party may have an appeal to the circuit court, to be taken as now provided by law; but no appeal shall be taken from the judgment of a justice of the peace or police judge to the quarterly court.

Appeals.

State tax.

§ 5. That where the plaintiff's demand exceeds fifty dollars, exclusive of interest and cost, he shall pay a tax of fifty cents when he brings his suit, and when the defendant pleads a set off or counter-claim which exceeds fifty dollars he shall, at the time he files the same, pay a tax of fifty cents, which shall be taxed as costs, and shall be accounted for by the justice of the peace or judge as now provided by law.

May empower one to act as clerk.

§ 6. The county judge may, by an order entered of record in the county court, empower any person that he may desire to act as clerk of the quarterly court, thereby authorizing such person or person to issue process to the same extent as the county judge might do, and for which he shall have the same fees allowed to the county judge; but before he shall enter upon the duties of his office he shall take the same oath, execute the same bond, and be subject to the same responsibilities, and be liable to the same penalties, that the judge of the quarterly court is now subject to by law.

§ 7. Circuit courts shall have exclusive appellate jurisdiction over judgments rendered by justices of the peace, police judges, and quarterly courts in their respective counties, where the matter in controversy, exclusive of interest and cost, is not of less value than ten dollars.

§ 8. It shall be the duty of justices of the peace, police judges, and the judge of the quarterly court and his clerk, to keep printed blank forms for summons; and the judge of the quarterly court and his clerk shall keep printed blank forms for petitions, substantiating the same as the appended to the Civil Code of Practice, and on application of every one desiring

to sue upon a matter of which said justice of the peace, of the police judge, or quarterly court has jurisdiction, said justice of the peace, police judge, or a quarterly court, or his clerk, shall properly fill the blank places in said printed form so as to present the case sued on in concise language, for which said justice of the peace, police judge, or judge of the quarterly court, or his clerk, shall be entitled to receive fifty cents, to be taxed as costs.

1876.

§ 9. No attorney fee shall be taxed against any party in either of said courts where no defense is made nor any objection is made to judgment being rendered.

§ 10. A party obtaining a judgment before a justice of the peace or police judge or quarterly court for money, may, at his own cost, apply to the judge or justice who rendered the judgment to transfer the judgment to the circuit court clerk's office, whereupon said judge or justice shall make and enter all the papers in the case of record in his office, and shall give the party a certified copy of the summons, return, and judgment, or if there is no summons, a copy of such orders as show that the parties was properly before the court. The clerk of the circuit court shall, on application, enter said record in full in the book in which he makes similar entries of judgments, executions, and returns of no property found; and he shall, on the order of the party entitled, issue execution on said judgment as if it had been rendered in the circuit court; but after the record has been transferred to the circuit court, the justice of the peace or judge who rendered the judgment shall not issue an execution on the same; the record so made by the clerk of the circuit court shall be deemed original evidence of the matters contained in it.

Judgment may be transferred to circuit clerk's office, and duty of circuit clerk.

§ 11. No justice of the peace or quarterly court shall have jurisdiction over any matter for injury to person or character.

§ 12. *Provided*, That where the amount in controversy exceeds twenty dollars, exclusive of interest and cost, that either party may demand a jury.

§ 13. All acts in conflict with this act are repealed, and this act shall be in force from its passage; but this act shall not apply to the counties of Jefferson, Henderson, Bourbon, Clark, Montgomery, Nelson, Spencer, Lewis, Daviess, Hancock, McLean, Johnson, Magoffin, Morgan, Wolfe, Breathitt, Owsley, Lee, Powell, Menifee, Mason, Estill, Rockcastle,

To what not applicable.

1876. Clay, Perry, Letcher, Harlan, Floyd, Martin, Caldwell, Crittenden, Webster, and Fayette.

Approved March 20, 1876.

CHAPTER 999.

AN ACT for the propagation and protection of food-fishes in the waters of the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a commission of ten persons, to be styled the Fish Commissioners of Kentucky, who shall hold office for four years, and until their successors are appointed, shall be appointed, one from each Congressional District in the State, by the Governor, to act in conjunction with the Commissioner of the United States, in stocking the waters of the State of Kentucky by distributing the same equally in the different waters thereof with such fishes as they may consider best adapted to furnish cheap and nutritious food for the people of the State. And for the purpose of enabling them to employ a suitable agents to take charge of and propagate such young fish and fish eggs as they may be able to obtain or procure, and for the purpose of erecting fish-ways over the dams in said waters, and removing obstructions, the sum of three thousand dollars is hereby appropriated. A majority of said commissioners shall have power and authority to select a proper agent, fix his compensation, make by-laws for the management of their business, and the disbursement of the money. They shall report to the Governor of the State of Kentucky annually how the money hereby appropriated has been expended. The Governor shall have power to fill any vacancies that may, from time to time, occur in said commission. Said commission shall not receive any compensation beyond their actual expenses, which shall be paid out of this appropriation.

Fish commissioners, one from each Congressional district, to hold four years.

Food for the people.

Appropriation, \$3,000.
May select agent and fix pay.

To report annually.

Governor to fill vacancies.

Expenses to be paid.

Any trap or net unlawful.

§ 2. That it shall be unlawful for any person or persons to have in his or their possession any fish-trap, set-net, dip-net, or other contrivance, to be located in any of the waters of this State; and any person finding any fish-trap, set-net, or other such contrivance, located in any of said waters, shall

have the right to destroy the same; and it shall be the duty of any justice of the peace, or the judge of any county court, when information is laid before him that any fish-trap, set-net, or other such contrivance, is located in any waters within the county of his residence, to direct the sheriff of said county, or any constable thereof, to destroy such fish-trap, set-net, or other contrivance, and he shall be allowed by the county court of such county the sum of fifty cents for each fish-trap, set-net, or other contrivance so destroyed, to be paid out of the county levy.

1876.

Duty of justice of peace & county judge.

Fifty cents for destroying a n y trap or net, &c.

§ 3. That any person placing or using in any of the waters of this State any fish-trap, set-net, dip-net, fish-rack, seine, bush or brush drag, or other such contrivance, or gig, spear, lance, or other such contrivance, or shall catch or take a fish from under a rock, shall be guilty of a misdemeanor, and, on conviction thereof before any justice of the peace, shall be fined not exceeding five dollars for each offense; and in case of failure to pay such fine and the costs of prosecution, shall be confined at hard labor in the jail of the county for any length of time not exceeding one day for each two dollars of fine and costs so imposed. The proceedings before said justice shall be by warrant, to be tried by him as in other penal cases.

Five dollars for using trap, net, seine, drag, or to take fish from under a rock, or gig or spear them.

§ 4. That any person or persons who shall place in any of the waters of this State any lime or other deleterious substance, or any drug or medicated bait, or any explosive agent, with intent thereby to injure, poison, or catch fish, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding twenty dollars for each offense, and on failure to pay the fine imposed, and the cost of prosecution, shall be confined at hard labor in the jail of the county for a length of time not exceeding one day for every two dollars of said fine and costs. Any justice of the peace of the county wherein the offense is committed shall have jurisdiction to try and punish such offenses, proceeding by warrant as in other penal cases.

Twenty dollars fine for poisoning, before a justice of the peace.

§ 5. That the commissioners aforesaid, or their successors, shall have the right to erect suitable fish-ways to enable the fishes aforesaid to pass over the dams erected on any of the navigable waters of this State, and to pay for the same out of the appropriation made by the first section of this act; and the several county courts of the Commonwealth shall not hereafter grant permission to erect mill-dams on any of the

Fish-ways.

1876. waters of this State without requiring the persons applying therefor to provide fish-ways over said dams, such as said county court shall approve.

§ 6. That all fines collected for violations of any of the provisions of this act shall be paid into the treasury of the county in which said fines are imposed: *Provided, however,* That this act shall not be construed to prevent any person from using trot-lines and gigs to catch or kill fish, or minnow-nets to catch minnows for bait.

§ 7. This act shall take effect from its passage; but the provisions of this act shall not apply to the Ohio river or Cumberland river below the mouth of Rotkcastle river, nor to lakes in the Ohio and Mississippi river bottoms, nor shall it prevent any person from catching fish with his hands, except in spawning time: *Provided,* That no net shall be set at or within one half mile of the mouth of any tributary of the Ohio or Cumberland rivers.

Approved March 20, 1876.

CHAPTER 1000.

AN ACT to establish a Bureau of Agriculture, Horticulture, and Statistics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a Bureau of Agriculture, Horticulture, and Statistics for the State of Kentucky be, and is hereby, established.

§ 2. That said department shall be under the control and management of one officer, who shall be known as the Commissioner of Agriculture, Horticulture, and Statistics. He shall be appointed by the Governor, by and with the advice and consent of the Senate, if the Senate is in session, and shall hold his office for two years, commencing on the second Monday in January, and continue for the period of two years, and until his successor is appointed. He shall keep his office at the seat of government, and shall take an oath well and truly to discharge the duties of his office, and execute bond to the Commonwealth, with good security to be approved by the Governor, for the faithful discharge of the duties of his office. The business and efforts of said bureau

Managed by one officer, to be known, &c., as Commissioner of Agriculture, Horticulture, & Statistics; to be appointed by the Governor, and to hold office for two years.

Office at seat of government, and to give bond.

Aim of.

shall be directed to the promotion of agriculture, horticulture, manufactures, and other matters provided for by this act. 1876.

§ 3. It shall be the duty of said commissioner to promote and encourage as far as practicable the organization of Agricultural and Horticultural Societies and other associations in the several counties in this State; also to ascertain the agricultural, horticultural, mechanical, commercial, and educational condition of every county in the Commonwealth, giving in detail the quantity and quality of land under cultivation; the kinds, amounts, and value of the annual field crops; the annual production of orchards, gardens, dairies, and mines; the quantity and value annually of the domestic manufactures; the kinds and value, and the increase of the live stock; annual products of mechanical industry and skill; the value of the exports and imports; the number of miles of railroad, turnpikes, and navigable streams; the names, locations, and populations of cities, towns, and villages; the number and value of school-houses and churches; the names, number, capital, and purposes of incorporated companies and charitable institutions, together with such other vital, social, physical, and political statistics as he may deem proper and expedient.

Duties of.

Annual productions, and value and increase of live stock.

Value of exports and imports.

Railroads, rivers, cities and towns, &c., and school-houses.

Corporations, &c.

§ 4. It shall be the duty of the Auditor of Public Accounts, the assessors of the several counties of the State, and all other officers of the State, or any of the counties thereof, to furnish said commissioner with such information within their power respectively, as the said commissioner may require in regard to the matters connected with said bureau; and as a further means of procuring said information, the commissioner shall put himself in communication with the different agricultural and horticultural societies, and manufacturing and mining companies, and such other organizations, either in or out of the State, as he may deem expedient.

Duties of Auditor, assessors, and all other officers in regard to.

§ 5. It shall be the duty of the commissioner to furnish to the publishers of newspapers of this State, who will publish the same free of charge, a condensed monthly report of the breadth of planting and condition of the growing crops, and such other information as he may deem proper and expedient.

Monthly report of commissioner.

§ 6. The commissioner shall annually, on the first of January, make out and compile a report, giving a general review

Annual report of, and of what to consist.

1876.

Governor to
distribute same.

First report of,
and what.

of the agricultural, horticultural, mineral, and industrial resources of the entire State, with brief notices of each county, and shall file the same with the Governor of this commonwealth, who shall cause to be printed a sufficient number for general distribution. It shall be the duty of the said commissioner to prepare, as soon as he may be possessed of the proper information, a condensed statement of the present condition and capacity of the State as regards its agriculture, horticulture, mining, manufacturing, and domestic arts; the average price of lands and labor in its different sections; its traveling, exporting, and educational facilities; a brief view of its climate; its geographical position and general topography, and other suitable subjects designed to induce immigration to this State; which statement, in the form of a report, when presented to the Governor, and approved by him, the said commissioner shall cause to be printed, in cheap pamphlet form, in the English and German languages, and distributed free through immigration societies, or otherwise, as he may deem best to promote immigration into this State.

Librarian to fur-
nish stationery.

Rooms for.

§ 7. It shall be the duty of the Librarian to furnish said commissioner with all necessary stationery for the use of his office, and the Governor shall assign to said commissioner suitable rooms, with necessary furniture and fixtures, for the transaction of the business of said bureau.

Printing.

§ 8. It shall be the duty of the Contractor of Public Printing to do and perform the necessary printing required by said commissioner for the use of said bureau, at the same charges and upon the same terms as similar work is done for the State.

Expenses of his
office.

§ 9. The commissioner shall make out a monthly account of the postage, light, and fuel expenses of his office, and submit the same to the Governor for his approval, and upon said approval he shall authorize the Auditor of Public Accounts to draw his warrant on the Treasurer for the said amount.

\$2,000 salary,
payable monthly.

§ 10. The salary of the commissioner shall be two thousand dollars per year, to be paid monthly out of any money in the Treasury not otherwise appropriated.

First commis-
sioner to hold till
first of January,
1878.
Vacancy.

§ 11. The commissioner first appointed under this act shall hold his office until the second Monday in January, 1878, and until his successor shall be appointed and qualified; and should there occur a vacancy by death, resignation, or from

any other cause, the Governor shall have power to fill such vacancy.

1876.

§ 12. This act to take effect and be in force from and after its passage.

Approved March 20, 1876.

CHAPTER 1008.

AN ACT to include Breathitt county in the first appellate judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Breathitt county be, and is hereby, included in and made part of the first appellate judicial district.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 1009.

AN ACT to define and punish certain trespasses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any person shall enter into or upon the inclosed land of another, without the permission of the owner or tenant in possession, and shall leave open any gate belonging to the inclosure, or shall pull down or remove any portion of the fence surrounding the land, so that cattle may enter into the premises, or shall enter any orchard or garden, and take and carry away any fruit or vegetables, without the consent of the owner thereof, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not less than five nor exceeding twenty dollars for each offense, recoverable by warrant prosecuted before any judge or justice of the peace of the county wherein the trespass may have been committed: *Provided*, That the provisions of this act are not to apply the counties of Shelby and Daviess.

To punish, &c.,
trespasses.

Amends chap-
ter 29, Gen. Stat.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

1876.

CHAPTER 1010.

AN ACT to amend section second, article sixteenth, chapter ninety-second, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See p. 749, Gen. Stat.

Pending suits to be dismissed.

§ 1. That all suits now pending in any court of this Commonwealth against any person or persons for failing to list and describe their lands, as required by section two, article sixteen, chapter ninety-two, of the General Statutes, shall be dismissed, and no recovery had thereon in favor of the Commonwealth or any person; and the further time of ninety days, from the passage of this act, is given for owners or controllers of land embraced by said section to comply with the requirements of said section, by filing the written description of lands therein required.

Not to apply where patents have not issued.

§ 2. That the provisions of said section two, article sixteen, of chapter ninety-two, of the General Statutes, shall not apply to any person or persons who has surveyed lands in this Commonwealth for the purpose of carrying the same into grant, whose patent or patents have not issued and been recorded as required by law in the Register's office of Kentucky prior to the 10th day of January, 1875; and any suit or suits now pending in any court in this Commonwealth against such persons for the enforcement of any penalty under said section two, article sixteen, chapter ninety-two, of the General Statutes, shall be dismissed, and no recovery had thereon in favor of the Commonwealth or other person; and the time of ninety days after the issual and record of said patents is given and extended to the owners thereof in which to comply with the provisions of said section two, article sixteen, chapter ninety-two, of the General Statutes.

§ 3. Any person or persons, owners or claimants of land of in this Commonwealth, who have failed to list and describe their lands, shall have the right, before judgment shall be rendered against them, to make and file said list and description as required by said section two, article and chapter aforesaid; and it shall be lawful for such person or persons, owners or claimants, to plead such listing in bar of any suit or suits against them for a violation of said section two, article sixteen, chapter ninety-two, of the General Statutes; and such suits now pending, or which may be brought, shall

be dismissed at the cost of the defendant, which cost shall not include any fee or sum to any attorney.

1876.

§ 4. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 1012.

AN ACT to amend an act, entitled "An act regulating lunatic asylums."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor is hereby authorized to appoint the commissioners for the respective asylums from the county in which the asylum is situated.

§ 2. This act shall take effect twenty days from its passage.

Approved March 20, 1876.

CHAPTER 1020.

AN ACT concerning the Codes of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joshua F. Bullitt, of Jefferson county, and John Feland, of Christian county, are hereby appointed Commissioners to edit the Civil Code of Practice, and H. Marshall Buford, of Fayette county, is appointed Commissioner to edit the Criminal Code of Practice, adopted during the present session of the General Assembly. If either of them refuse or fail to serve, the Governor shall appoint another in his stead. Each of said commissioners shall receive ten dollars for each day in which he may be actually and necessarily employed, and upon his certificate the Auditor of Public Accounts shall draw his warrant upon the Treasury for such compensation.

Hons. J. F. Bullitt and John Feland, editors of Civil, and H. Marshall Buford of Criminal Code.

\$10 per day.

§ 2. Each of said Codes shall contain a statement of the proper title and chapter at the head of each page; head-notes in each chapter denoting the subject of each section thereof; a full index pointing to the provisions thereof; the numbers, in brackets, of corresponding sections of the Codes of 1854; and suitable practical forms.

Titles, chapters, and index, and forms.

1876.

Paper and
binding.

§ 3. In publishing said Codes the Governor and said commissioners shall require the paper to be of as good quality and the type to be of as good character as those used in the General Statutes; and shall require the binding to be of the best character of law binding.

Certificates
necessary to
make them evi-
dence.

§ 4. The certificates of said commissioners, severally, that they have compared said printed Codes, respectively, with, and have found them to be true copies of, the enrollments thereof, respectively, shall, with a printed volume thereof, be deposited in the office of the Secretary of State, who, if he find said certificates to be true, shall append to them, respectively, his certificate to that effect; and said certificate shall be conclusive proof of the verity of said printed volume. Each published volume of said Codes shall contain printed copies of said certificates, and they shall entitle it to be read in evidence.

Who and when
to print and price.

§ 5. The Contractor for the Public Printing and Binding is directed to print and bind said Codes in one volume, with five thousand copies thereof, ready for distribution on the 15th of July, 1876, at the price of fifty cents per thousand ems for printing; and for binding each volume ten cents per hundred pages: *Provided*, That if the said contractor shall not agree, within ten days after the passage of the act, to do said work, the Governor shall have it done by the lowest bidder, who shall give good sureties, to be approved by the Governor, for the performance of the contract.

Distribution of

§ 6. The Secretary of State shall forthwith, after the publication of said Codes, cause said Codes to be distributed as follows: To each member of the present General Assembly, to each judge and each clerk of a court, to each Commonwealth's Attorney, to each justice of the peace, to each police or city judge, to each county attorney, to each officer of the present General Assembly, of this Commonwealth, to the Attorney General, to the Secretary of State of the United States, to the Executive of each State and Territory within the United States, one volume, and to the State Librarian, forty copies.

Remaining
copies of.

Secretary of
State may sell
2,000 copies.

§ 7. The remaining copies of said Codes shall be retained by the Secretary of State to supply such deficiencies as may occur, or to be distributed as may hereafter be directed by law; but said Secretary may sell as many as two thousand copies of said Codes at ten per cent. advance upon the cost

of the same. He shall not sell more than two copies to any person or firm, and he shall pay into the Treasury of the State all money which may arise from such sales. 1876.

§ 8. The said Codes shall not be construed as repealing any statute enacted at the present session of the General Assembly. Does not repeal any Acts of 1876.

§ 9. The State Librarian shall procure and furnish all paper and stationery, except binding, which may be necessary for the editing and publishing of said Codes. Librarian to furnish paper.

§ 10. No person shall copyright said Codes without the consent of the General Assembly. No copy-right.

§ 11. Said Codes shall not be published in the Session Acts. Omitted from Acts.

§ 12. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 1024.

AN ACT for the appropriation of money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums of money are hereby appropriated to the following named persons, to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor:

§ 2. To the Speakers of the Senate and House of Representatives, ten dollars each per day, during the present session of the General Assembly.

§ 3. To the principal Clerks of the Senate and House of Representatives, ten dollars each per day, during the present session of the General Assembly, and the same for such time as may be necessary, not exceeding ten days after adjournment, for preparing the acts for publication.

§ 4. To the First Assistant Clerks of the Senate and House of Representatives, ten dollars each per day, during the present session of the General Assembly, and the same for such time as may be necessary, not exceeding ten days, for assisting in preparing the acts for publication.

§ 5. To the Sergeant-at-Arms of the Senate and House of Representatives, each seven dollars per day, during the present session.

1876. § 6. To the Door-keepers of the Senate and House of Representatives, each five dollars and fifty cents per day, during the present session.

§ 7. To H. T. Stanton and John L. Elliott, Clerks of the Enrolling Committees of the Senate and House of Representatives, each seven dollars per day, during the present session.

§ 8. To three pages in the Senate and five in the House of Representatives, two dollars and seventy-five cents each per day, during the present session of the General Assembly.

§ 9. To the Ministers of the Gospel of Frankfort, three hundred dollars, to be drawn and distributed among them by J. M. McDougal, Sergeant at-Arms of the House of Representatives, for their services in opening the two Houses of the General Assembly during the present session with prayer.

§ 10. To J. M. McDougal, Sergeant-at Arms of the House of Representatives, for the use of John Glore and John Glanton, each three dollars per day, during the present session, for their services in waiting on the House of Representatives.

§ 11. To the Sergeant-at-Arms of the Senate, three dollars per day during the present session, for J. W. Conley, and two dollars and seventy-five cents for the use of George Gardner, during the present session, for waiting on the Senate.

§ 12. To the principal Clerks of the Senate and House of Representatives, such sums as they may each certify to the Auditor as paid by them for enrolling bills and resolutions during the present session, not exceeding twenty-five cents per page of enrolling paper.

§ 12½. To H. B. Phythian, three dollars per day, during the present session, for extra work in Library.

§ 13. To the Second Assistant Clerks of the Senate and House of Representatives, each eight dollars per day, for such time as the Chief Clerks of the two Houses may certify they have acted, which time shall end with the present session.

§ 14. To Charles Haydon, ten dollars per day, for acting as Clerk of the Joint Committee on the Codes, the time he acted to be certified by the chairman of said committee.

§ 15. To W. E. Railey, five dollars per day, during the present session, for waiting on the cloak-room of the House of Representatives.

§ 16. To Robert Loomis, three dollars per day, during the present session, for waiting on the "back capitol." 1876.

§ 17. To Ed. Yeiser, two dollars per day, during the present session, for wheeling wood for the two Houses during the present session.

§ 18. To Dennis Griffin, one hundred and sixty dollars, for repairs and carpenter work done for the two Houses during the present session.

§ 19. To Sanford Goin, eighty-five dollars, for ice furnished the two Houses during the present session.

§ 20. To W. H. H. Hardin, five dollars, for walnut table, order of O. W. Grimes, while State Librarian.

§ 21. To Marshall & Sneed, twenty-four dollars and thirty cents, for articles furnished House of Representatives during present session.

§ 22. To Gray & Rodman, fifty-five dollars and five cents, for articles furnished the two Houses during the present session, by order of O. W. Grimes while he was Librarian.

§ 23. To Guy Barrett, seven hundred and fifty dollars, for papers furnished the two Houses during present session.

§ 24. To W. H. Hall, four dollars, for articles furnished by order of O. W. Grimes while he was State Librarian.

§ 25. To G. W. Miller, seven dollars and ten cents, for articles furnished the House of Representatives during the present session.

§ 26. To Rodman & Bro., nine dollars and fifty cents, for articles furnished per order of O. W. Grimes, during present session.

§ 27. To the Louisville Commercial Publishing Company, eighty-two dollars and eighty-one cents, for papers furnished General Assembly during present session.

§ 28. To Lexington Press Printing Company, one hundred and twelve dollars and eighty cents, for papers furnished General Assembly during the present session.

§ 29. To W. P. D. Bush & Co., thirty-five dollars and ten cents, for papers furnished General Assembly during the present session.

§ 30. To Ballard & Thompson, publishers Paducah Daily News, twelve dollars and twenty-five cents, for papers furnished General Assembly during the present session.

1876. § 31. To the Owensboro Monitor, three dollars and thirty-eight cents, for papers furnished General Assembly during present session.

§ 32. To Major, Johnston & Barrett, four hundred dollars, for Yeoman furnished General Assembly during present session.

§ 33. To Mrs. Belinda Pumphrey, three dollars per day, from the 11th January, 1876, to the end of the session, for extra services in enrolling bills and resolutions.

§ 34. To J. W. South, one hundred and five dollars and eighty cents, for chairs furnished the House of Representatives during the present session.

§ 35. To the Treasurer of the Deaf and Dumb Asylum at Danville, twenty-five hundred dollars, for the necessary repairs of the same.

§ 36. To R. A. Thomson, twenty dollars, for opening House of Representatives present session.

§ 37. To N. Roff, Jesse Arthur, Chas. B. Chiles, James T. Williamson, and James T. Taylor, eleven dollars and eighty-eight cents, each, for attendance and mileage before investigating committee of the Senate.

§ 38. To Letitia Harris, five dollars, for washing towels for Senate during present session.

§ 39. To John Glore, five dollars, for washing towels for House of Representatives during present session.

§ 40. To R. E. Little, T. F. Hallam, M. W. LaRue, and Samuel Russell, seventeen dollars and twenty cents each, being for expenses incurred while visiting the city of Louisville as a committee to investigate the Jefferson circuit court clerk's office.

§ 41. To the principal Clerk of the Senate, such sum as he may certify to the Auditor as paid by him for making corrected copies of the Code of Practice, at four dollars for Civil and one dollar for Criminal Code.

§ 42. To Lewis Harris, forty dollars, for services in the Senate Chamber during the present session, and for preparing Senate Chamber before the beginning of the session.

§ 43. To D. D. Sublett, four dollars, for articles bought and paid for by him for the Senate Chamber, present session.

§ 44. To the Chief Clerk and First Assistant Clerk of the House of Representatives, each one hundred dollars, to the

Chief Clerk and First Assistant Clerk of the Senate, each thirty-eight dollars, for keeping accounts of pay of members and Senators.

1876.

§ 45. To John Glore, three dollars per day for five days' labor in preparing and heating up the Hall of House of Representatives before the commencement of the present session.

§ 46. To John R. Graham, for one looking-glass for Senate Chamber, per order of O. W. Grimes, five dollars.

§ 47. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 1026.

AN ACT to amend section three, article two, chapter one hundred and six, General Statutes, title "Taverns."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three, article two, chapter one hundred and six, of the General Statutes, title "Taverns," be amended by striking out of the second line of said section the words "the distillery," and inserting in lieu thereof the words "their residences."

See Gen. Stat.,
p. 806.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 1029.

AN ACT to declare Frozen creek, in Breathitt county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Frozen creek, in Breathitt county, be, and the same is hereby, declared a navigable stream from its mouth to the main forks of the same, and up the Cope Fork to the Three Forks thereof.

Navigation.

§ 2. Nothing in the act shall be so construed as to prohibit the owner of land on said stream from erecting the necessary water-gaps to inclose their lands; but in nowise to interfere with the downward navigation of said stream.

§ 3. This act shall take effect from its passage.

Approved March 20, 1876.

1876.

CHAPTER 1031.

AN ACT appropriating money to build cells in the Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Construction of
additional cells
in Penitentiary.

§ 1. That the Commissioners of the Sinking Fund are hereby authorized and empowered to cause to be erected as many cells in the penitentiary as the appropriation herein made will pay for. They are authorized to purchase, or cause to be proposed, plans and specifications for the improvement authorized by this act; they will contract for the work (after advertising for the same for a time, and in a manner agreed on by them) with the lowest and best bidder, taking from the contractor bond, with good security, payable to the Commonwealth of Kentucky, for the faithful performance of the contract.

Lowest and best
bidder.
Bond.

\$25,000 appro-
priated.

§ 2. The sum of twenty-five thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for paying for the improvements authorized by this act, the same to be paid to the contractor on the warrant of the Auditor drawn on the Treasurer; but no such warrant shall be drawn except by order of the Commissioners of the Sinking Fund. They may pay for the work as it progresses, but are authorized to keep back a per cent. agreed on by them until the work is completed.

Warrant to be
drawn only on
order of commis-
sioners.

May pay as
work progresses
but a per cent.

Commissioners
to report to next
General Assem-
bly full state-
ment.

§ 3. The Commissioners of the Sinking Fund will report to the next General Assembly a full statement of the work done and money expended under this act.

§ 4. This act shall take effect from and after its passage.

Approved March 20, 1876.

CHAPTER 1035.

AN ACT to amend an act, entitled "An act regulating practice in criminal cases."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections three hundred and seventy-nine, three hundred and eighty, and three hundred and eighty-one, of title ten, chapter one, of the act regulating practice in criminal cases, be, and the same are hereby, repealed.

§ 2. That hereafter, whenever there shall be any tumult, riot, mob, or any body of men acting together with intent by force to commit any felony or misdemeanor, or to offer violence to persons or property, or, by force and violence, to break and resist the laws of the Commonwealth, or any such tumult, riot, or mob shall be threatened, and the fact be made to appear to the Governor, he alone shall have the right to issue his orders to the senior or other military officers convenient to the scene of disturbance, to turn out such portion of his or their commands as may be necessary to quiet, suppress, or prevent such tumult, or threatened tumult, and the commander-in-chief may place the troops under the order of a circuit judge, county judge, mayor, or sheriff, if he deems it necessary and proper; but neither of the last named officers shall have the right to order out the militia.

1876.

See p. 667 et
seq., Gen. Stat.

§ 3. This act shall take effect from its passage.

Approved March 20, 1876.

CHAPTER 1036.

AN ACT to provide for a deduction of time from the terms of sentence of prisoners confined in the penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all prisoners who have been, or hereafter shall be, convicted of any offense against the laws of this State, and confined in execution of the sentence upon such conviction, shall have a deduction from their several terms of sentence of five days in each and every calendar month during which no charge of misconduct shall have been sustained against each, severally, who shall be discharged at the expiration of his term of sentence, less the time so deducted, and a certificate of the lessee or keeper of the penitentiary of such deduction shall be entered upon the warrant of commitment: *Provided*, That if, during the term of imprisonment, he commit any offense for which he shall be convicted by a jury, all remissions therefore made shall be thereby annulled.

Encouragement
to good behavior.Five days per
month deducted
for.

§ 2. This act shall take effect from its passage.

Approved March 20, 1876.

RESOLUTIONS.

No. 1.

RESOLUTION to appropriate money to Thos. S. Pettit and K. F. Prichard.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1876.

That the sum of one hundred dollars, each, be allowed Thomas S. Pettit, late Assistant Clerk of the House of Representatives, and K. F. Prichard, late Clerk of the Senate, for their services in organizing the present General Assembly, and the Auditor is hereby directed to draw his warrant on the Treasurer in favor of said Pettit and Prichard for said sums.

Approved January 8, 1876.

No 2.

RESOLUTION in relation to the Governor's message.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That so much of the Governor's message as refers to the Centennial Exposition and celebration to be held in the city of Philadelphia during this, the centennial year, be referred to a special committee of three members of the Senate and five members of the House of Representatives, to be appointed by the Speakers of the respective Houses, whose duty it shall be to take into consideration the suggestions and recommendations of the Governor, and report the result of their deliberations to the General Assembly by bill or otherwise.

Approved January 8, 1876.

RESOLUTIONS.

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No. 3.

1876.

RESOLUTION ordering the firing national salutes on the eighth of January and twenty-second February, 1876.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Quarter-Master General is hereby directed to cause to be fired a national salute on the eighth of January and the twenty-second of February, 1876, in commemoration of the battle of New Orleans and the birthday of Washington, and that the Auditor be directed to draw his warrant on the Treasurer for the cost of the same.

Be it further resolved, That, simultaneously with the firing of the salute, the Sergeant-at-Arms of the House of Representatives be required to hoist the national flag over the Capitol dome, and that it be kept afloat each day during the sitting of this body.

Approved January 8, 1876.

No. 4.

RESOLUTION for the benefit of J. Russell Hawkins.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasurer in favor of Dr. J. Russell Hawkins for the sum of twenty-five dollars, as compensation for his services in organizing the Senate at the December session of 1873.

Approved January 8, 1876.

No. 5.

RESOLUTION calling on the Auditor for an estimate of the population of this State.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be requested to furnish this General Assembly an estimate of the population of

1876. this Commonwealth, and the statistics upon which the estimate is based.

Approved January 19, 1876.

No. 6.

RESOLUTION providing for the appointment of a joint special committee on the Report of Commissioners on Codes of Practice.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the revision of the Codes of Practice be referred to a joint committee, to consist of eight from the House and five from the Senate, who will report on the same as soon as convenient.

Approved January 19, 1876.

No. 7.

RESOLUTION directing Public Printer to print three hundred copies of Codes of Practice as reported by Commissioners.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer be, and he is hereby, directed to print three hundred copies of the Codes of Practice as reported by the Commissioners, for the use of the members of this General Assembly and the officers thereof.

Approved January 20, 1876.

No. 8.

RESOLUTION fixing the time for the election of a State Librarian.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the two Houses of this General Assembly shall, on Tuesday, January 25th, 1876, at the hour of 12 o'clock, M., proceed to elect a State Librarian.

Approved January 22, 1876.

No. 9.

1876.

RESOLUTION to pay officers and attaches of General Assembly their per diem.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of the Chief Clerks, Assistant Clerks, Sergeant-at-Arms, Door-keepers, Enrolling Clerks, and for the benefit of the attaches of the present General Assembly, for their per diem, respectively, as the same may become due: *Provided*, Such per diem shall not exceed two thirds allowed the officers and attaches of the last session of the General Assembly, and shall only be drawn on the certificate of the Chief Clerks of the respective bodies. This resolution shall take effect from its passage.

Approved January 22, 1876.

No. 10.

RESOLUTION to appoint a joint committee to investigate records of Land Office.

Resolved by the Senate and House of Representatives :

That a joint committee be appointed, to consist of three from the House and two from the Senate, whose duty it shall be to investigate the condition of the records of the Land Office, which committee shall have power to send for persons and papers, and it shall report by bill or otherwise.

Approved January 25, 1876.

No. 11.

RESOLUTION authorizing Joint Committee on Codes of Practice to appoint a Clerk.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Joint Committee on Codes of Practice are authorized to appoint a clerk to keep a record of their proceedings, and the Librarian is directed to furnish the clerk of said

1876. committee with a suitable book and other stationery for his use, upon the requisition of the chairman.

Approved January 25, 1876.

No. 12.

RESOLUTION in relation to the death of General John C. Breckinridge.

WHEREAS, The death of John C. Breckinridge has been officially announced to this body; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. The nation has lost a distinguished citizen; the State a wise counselor and trusted servant; society a shining and brilliant member.

2. The great loss a community sustains in the death of a man so illustrious and beloved cannot be measured with words. We leave the impartial judgment of history to place him among the actors of his time as his talents and his services may entitle him; feeling no apprehension that posterity will depreciate or under-estimate the exalted virtues we know him to possess.

3. We can only extend to our people our sympathy for the loss we have sustained in common, and to his family expressions of condolence for their bereavement which not even time can fully assuage.

4. That these resolutions be spread upon the Journals of the Senate and House of Representatives, and that a copy be engrossed and forwarded to the family of the deceased.

5. That, as an additional mark of respect to the memory of the deceased, this body do now adjourn.

Approved January 25, 1876.

No. 13.

RESOLUTION authorizing the erection of a monument over the grave of the Hon. John L. Helm, formerly Governor of this Commonwealth.

WHEREAS, The Hon. John L. Helm, late Governor of this State, and one of the most distinguished of its native-born citizens, having departed this life at his late residence in

Hardin county on the 8th day of September, 1867, shortly after his inauguration as Governor of the State, it is eminently proper that the representatives of the people should pay a suitable tribute to his memory ; therefore,

1876.

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor of Public Accounts be directed to draw his warrant upon the Treasurer for the sum of fifteen hundred dollars, payable out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a suitable monument over his remains, near Elizabethtown, under the order of His Excellency, the Governor of this Commonwealth.

Approved January 25, 1876.

No. 14.

RESOLUTION providing for the attendance of one of the Commissioners at the sittings of the Joint Committee on Revision of Codes.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That one of the Commissioners appointed to revise the Codes of Practice shall attend the sittings of the joint committee to whom the report of said Commissioners has been referred, and that he be allowed therefor the same per diem as is allowed by the law under which they were appointed.

Approved January 25, 1876.

No. 15.

JOINT RESOLUTION inviting Rev. L. B. Woolfolk to deliver a lecture on meteorology before this General Assembly.

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

That Rev. L. B. Woolfolk be, and he is hereby, invited to deliver a lecture before the members of this General Assembly on meteorology at his earliest convenience.

Approved January 27, 1876.

RESOLUTIONS.

1876.

No. 16.

RESOLUTION directing the printing of addresses on the death of General John C. Breckinridge.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That three thousand copies of the addresses delivered in the two Houses of the General Assembly on the death of General Breckinridge be printed in pamphlet form, with paper covers, enveloped and stamped for the use of the General Assembly.

Approved January 29, 1876.

No. 17.

RESOLUTION directing the purchasing of maps of the State of Kentucky for the Senate and House of Representatives.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Sergeant-at-Arms of the Senate and House of Representatives and Henry Stanton, Esq., be, and they are hereby, authorized and directed to purchase two maps of the latest print and approved accuracy of the State of Kentucky, for the use of the Senate and House of Representatives, and that the same, when purchased, shall be hung at some convenient place on the wall of each House of the General Assembly—said maps not to cost exceeding twenty dollars each, and that the Auditor is hereby directed to draw his warrant on the Treasury in their favor for the cost of the same.

Approved February 3, 1876.

No. 18.;

RESOLUTION calling on the Auditor for information in regard to attorneys employed to represent the State in certain cases.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor, D. Howard Smith, be, and he is hereby, required and directed to report to this General Assembly whether, on and between the tenth days of October, 1873, and

tenth day of October, 1875, he drew his warrant on the Treasury in favor of any attorneys other than the Attorney General for services in behalf of the Commonwealth in any cases prosecuted in the Franklin circuit court, the Court of Appeals, or the court of the United States for the District of Kentucky, or in any procedure to coerce payment of demands of the Commonwealth, payable at the Treasury; if so, to report the style of suits, names of attorney in each case, amount of warrant in favor of each, and date thereof, as also all other expenses incurred in each action above, and for what incurred; and to report further, by whose direction and at whose instance all of said warrants were drawn, and under and by virtue of what act or provision of law.

Approved February 3, 1876.

1876.

No. 19.

RESOLUTION authorizing a joint committee to inquire into appropriation of money to charitable institutions.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee of two from the Senate and three from the House of Representatives be appointed to examine, ascertain, and report to this Assembly: Sec. 1st. The amount of appropriations made by the State to the various charitable institutions of the State. Sec. 2nd. How expended, and specifically the mode and manner.

Approved February 3, 1876.

No. 20.

RESOLUTION to appoint joint committee to ascertain result of vote on Constitutional Convention.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of three from the House and two from the Senate be appointed to ascertain the result of the vote upon the question of calling a Convention to revise the Constitution of this State.

Approved February 4, 1876.

RESOLUTIONS.

1876.

No. 21.

A JOINT RESOLUTION to appoint a committee on State's interest in Covington and Lexington Turnpike Road Company.

WHEREAS, The State of Kentucky, by reason of an act, entitled "An act to incorporate the Covington and Lexington Turnpike Road Company," became the one half owner of said road; and whereas, by reason of said act, and the construction of said road, the profits of which became and were an auxiliary to the Sinking Fund of this Commonwealth; and whereas, information has reached this General Assembly that the interest of the State in said road has been, or attempted to be, parted with; therefore,

Resolved, That a committee of five from this House and three from the Senate be appointed, to inquire into the facts, and ascertain whether the State's interest in said road has been parted with, and if so, by what authority, and report by bill or otherwise.

Approved February 5, 1876.

No. 22.

RESOLUTION requesting our Senators and Representatives in Congress to vote in aid of the Texas Pacific Railroad.

WHEREAS, The completion of the Union Pacific Railroad has developed a trade with China, Japan, and the South Pacific Islands far in excess of anything hitherto known, and stimulated the productive capacity of the Pacific slope to an extent beyond its powers to relieve by reasonably rapid transportation; and whereas, in the opinion of this body the proper relief will be found in a competing line constructed further south, which will, in addition, meet the requirements of increasing growth and material prosperity of the entire southern section of our country; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and our Representatives in Congress be requested, if, in their judgment, such legislation be authorized by the Constitution of the United States, and beneficial to the people thereof, to use all proper efforts to secure the passage of an act, which, regarding the interests of the Government and the rights of the people properly, shall

afford to the Texas and Pacific Railroad such aid as will promote its early completion; and that, while opposed to any further grant by Congress of Government bonds or money to railroads, this body regards the plan of guaranteeing the interest on the bonds of the company by the Government, indemnifying it against loss by a first lien on the road and all its property, including the lands granted by the Government, as the most feasible and proper manner in which such aid can be extended.

1876.

Approved February 8, 1876.

No. 23.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee, consisting of three members of the House and two of the Senate, be appointed to report, by bill or otherwise, as to the utility of Patteson's Forms for County Officers.

Approved February 9, 1876.

No. 24.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Librarian be directed to put in nine air-grates under the building now occupied by the Adjutant and Quarter-Master General as offices.

Approved February 9, 1876.

No. 25.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That our Senators in Congress be instructed and our Representatives be requested to use all honorable means in their power to have an act of Congress passed that will place the surviving soldiers, who were engaged in the war

1876. with Mexico, and received an honorable discharge, and the widows of those who have died, upon the same footing, and to receive the same pension, as the surviving soldiers of the war of 1812.

2. *Resolved*, That His Excellency, Gov. Jas. B. McCreary, be requested to send to each of our Senators and Representatives copies of this resolution.

Approved February 9, 1876.

No. 26.

RESOLUTION directing the Auditor to report the amount of fees received by him in 1875.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor, D. Howard Smith, be, and is hereby, required to report to this House what an itemized account of fees and perquisites of his office he received during the year 1875, in excess of his annual salary, and from what source derived.

Approved February 11, 1876.

No. 27.

RESOLUTION requesting Governor to furnish official copies to Representatives and Senators in Congress.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Governor of this Commonwealth be requested to forward official copies to the Representatives and Senators from Kentucky in the Congress of the United States of the joint resolutions passed at the present session of this body requesting their aid in the adoption of proper means by the Government of the United States to secure the construction of the Texas and Pacific Railroad.

Approved February 11, 1876.

RESOLUTIONS.

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No. 28.

1876.

JOINT RESOLUTION directing Public Printer to print the report of Jas. K. Patterson, Commissioner to International Congress of Geographical Science.

WHEREAS, The Governor of this Commonwealth appointed Jas. K. Patterson, President of the Agricultural and Mechanical College of Kentucky University, Commissioner to represent this State in the International Congress of Geographical Science, held in the city of Paris; and whereas, the Governor has received a report from President Patterson abounding in matter of interest and value to the people of this Commonwealth; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer be directed to print and furnish each member and officer of the General Assembly fifty copies of said report.

Approved February 11, 1876.

No. 29.

RESOLUTION directing the appointment of a committee to inquire into the propriety of employing convict labor on works of internal improvement.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a special committee of two from the Senate and three from the House be raised to consider the practicability of employing the convict labor of the State upon the internal improvements thereof, as well as the advisability of appropriating money from the Treasury to complete and repair said improvements; whether such improvements can be made more cheaply under leases to companies or by contracts to be let by a board created to act for and in behalf of the State—the internal improvements to be made and owned by the State for the convenience and benefit of the citizens thereof. The attention of this committee is particularly directed to the improvements of the water-courses in the State, and the committee shall report by bill or otherwise, and at any time.

Approved February 14, 1876.

1876.

No. 30.

RESOLUTION to refer to a joint committee so much of Governor's message as relates to boundary line between Kentucky and Indiana, and report of Commissioners concerning same.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That so much of the Governor's message as relates to the boundary line between Kentucky and Indiana, together with the report of commissioners appointed to survey and determine the boundary line between said States, be referred to a joint committee, consisting of two Senators, to be appointed by the Speaker of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives.

Approved February 14, 1876.

No. 31.

JOINT RESOLUTION appropriating five thousand dollars for Centennial purposes.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor is hereby authorized to appoint ten commissioners, one from each Congressional District, who shall serve without cost to the State. N. S. Shaler, the Governor, and said commissioners, shall constitute the Kentucky Centennial Board, which is authorized to take such steps and do all such things as to them shall seem proper for securing at the Centennial Exposition, at Philadelphia, a due representation, by specimen, publication, and otherwise, of the natural resources of the Commonwealth, especially in timber, coal, lead, iron, and other mineral wealth, and of such other things as may, in their judgment, illustrate the resources of the Commonwealth, developed and undeveloped, or promote its interest, and to expend at their discretion, for such purpose, such sums as may be required, not exceeding in the aggregate five thousand dollars, which sum is hereby appropriated; and such sum or sums shall be allowed and paid out of the Treasury, on warrant drawn by the Governor on order of said board, at such time or times as shall to said board seem expedient, not exceeding the amount appropriated.

Approved February 15, 1876.

No. 32.

1876.

JOINT RESOLUTION to appoint committee to report as to propriety of building new stable for Governor's Mansion.

WHEREAS, The stable belonging to the Governor's Mansion is in a dangerous and dilapidated condition; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee of three from the House and two from the Senate be appointed, whose duty it shall be to report upon the propriety of building a new stable.

Approved February 17, 1876.

No. 33.

RESOLUTION appropriating money to defray the expenses of the contested election case of Prichard vs. Culbertson, and for other purposes.

WHEREAS, The special committee in the contested election case of Allen Prichard, contestant, against K. R. Culbertson, contestee, are of the unanimous opinion that the contest was made in good faith; and whereas, it appears that there was only a majority of two votes against Dr. Prichard, as the votes were cast, and that, before the contest was began, two reliable and creditable voters of Lawrence county made affidavit and afterwards testified that they had voted for Prichard, when, in fact, their votes were recorded for Culbertson; and whereas, the contestant and contestee have been at enormous expense in prosecuting and defending said contest, and as it has heretofore been the custom for the State to pay the cost in contested election cases, and as we believe such a course to be just and proper; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of Allen Prichard for the sum of three hundred dollars for legal expenses incurred; and also draw his warrant upon the Treasurer in favor of K. R. Culbertson for the sum of three hundred dollars, for legal expenses incurred by him; and that the Auditor draw his warrant upon the Treasurer in

1876. favor of Allen Prichard for a sum equal to the mileage allowed K. R. Culbertson as Representative from the counties of Boyd and Lawrence, which sums are to be paid out of any money not otherwise appropriated. This resolution shall take effect from and after its passage.

Approved February 21, 1876.

No. 34.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the plans and specifications of Mr. John Haly for the Governor's stable be adopted, and that the amount of one thousand dollars, recommended in said specification, or so much thereof as is necessary, be appropriated for that purpose; and that the Governor is hereby authorized to advertise for bids, and the Auditor is hereby directed to draw his warrant upon the Treasurer for one thousand dollars, or so much as is necessary to complete said work.

Approved February 23, 1876.

No. 35.

RESOLUTION providing for an extension of the present session of the General Assembly beyond the constitutional limit of sixty days.

WHEREAS, It is evident that, in the limited time remaining of the constitutional term, it is impossible that the measures of public importance now before the General Assembly can be acted on, and great detriment to the public service must inevitably result from the failure to perfect them; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the session of this General Assembly be extended beyond the sixty days to which it is limited by the Constitution; but such extension shall not be for a greater length of time than twenty days; and we hereby pledge ourselves, one to the other that no further extension shall be had beyond the time herein provided for, except a majority of two thirds of all the members elect to each branch of the General Assembly shall concur therein.

Approved February 25, 1876.

No. 36.

1876.

A JOINT RESOLUTION to print report of the commissioners of the Kentucky Institution for the Deaf and Dumb.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That seven hundred and fifty copies of the report of the commissioners of the Kentucky Institution for the Deaf and Dumb be printed for the use of said institution and of this House.

Approved February 28, 1876.

No. 37.

RESOLUTION appropriating money to W. H. Gillis.

WHEREAS, In the contested election case of Prichard vs. Culbertson, the clerk, W. H. Gillis, was on duty thirty-seven days and many nights; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant upon the Treasurer for the sum of one hundred dollars, in favor of said Gillis, out of any money not otherwise appropriated.

Approved February 26, 1876.

No. 38.

RESOLUTION providing for the appointment of a commissioner to investigate a claim of T. L. Chevis, of Lexington.

WHEREAS, It is represented to this General Assembly that T. L. Chevis, a citizen of Lexington, and late contractor for the building of a portion of the new addition to the Eastern (now a First) Lunatic Asylum at Lexington, did not receive the full pay to which it is alleged he was justly entitled; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Governor be, and he is hereby, empowered and requested to appoint three commissioners upon the part of

1876. the State, with full power to send for persons and papers, and report to the General Assembly if, in their opinion, the State is indebted to said Chevis in any sum, and if indebted, to what amount: *Provided*, That said commissioners shall consent to serve without any expense to the State.

Approved February 28, 1876.

No. 39.

RESOLUTION in relation to binding the addresses delivered on the death of General John C. Breckinridge.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the resolution in relation to printing the addresses on the death of General John C. Breckinridge be amended as follows: Strike out the words "in pamphlet form, with paper covers," and insert in lieu thereof the words "bound in board."

Approved February 28, 1876.

No. 40.

RESOLUTION providing that Resolution No. 37 shall take effect from the passage of this resolution.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That Resolution No. 37, appropriating one hundred dollars to W. H. Gillis, for services rendered as clerk of the committee on the contested election case, Prichard vs. Culbertson, shall take effect and be in force from and after the passage of this resolution. This resolution shall take effect from and after its passage.

Approved March 1, 1876.

No. 41.

1876.

RESOLUTION touching Patteson's Forms for County Officers.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Forms prepared by W. N. Patteson for county officers embrace their respective duties, systematically arranged and condensed; and they are recommended for use by said officers.

Approved March 3, 1876.

No. 42.

RESOLUTION authorizing the appointment of a joint committee to take into consideration all matters in relation to the registration of births, deaths, and marriages.

WHEREAS, By an act of the General Assembly of the Commonwealth of Kentucky, approved January 31st, 1874, it was made the duty of the assessors of the several counties in this Commonwealth, at the same time they take their lists of taxable property, to take a list of the births, deaths, and marriages, upon blanks furnished by the Auditor of Public Accounts, with the proper headings for all the information sought to be obtained by the passage of said act; and whereas, it was made the duty of the Auditor to make out tabular tables annually from the said lists taken by assessors and copied and sent to said Auditor by the clerks of the several county courts, and that said tables should be so tabulated as to give all the information desired to be obtained by the passage of said act; and whereas, said act requires said Auditor to make said tabular reports annually, and to cause five hundred copies to be printed and sent to the several county clerks—not less than two nor more than five copies to each county clerk; and whereas, the system of registration, if properly reported and thoroughly tabulated, will be of great value, statistically and otherwise, to all the citizens of this Commonwealth, and that this General Assembly shall be properly advised of the manner in which said registration law has been executed by the assessors, clerks, physicians, midwives, and ministers, and also by the Auditor in tabulating the same, and whether or not said law should be continued in force, amended, or repealed; therefore,

1876. *Resolved by the General Assembly of the Commonwealth of Kentucky:*

That a committee of two members of the Senate and three members of the House be appointed to examine the tables of births, deaths, and marriages tabulated by the Auditor as required by said act approved January 31st, 1874, and to report to this General Assembly the manner in which the same has been executed; whether, in their judgment, it is done in conformity to said act, and is of sufficient importance to be continued in force, or whether the act should be amended or repealed, and all such information and suggestions in regard to said registration of births, deaths, and marriages as they shall deem necessary for the information of the General Assembly, on said Auditor's tabulated tables of births, deaths, and marriages, and report the result of their investigations to this General Assembly at the earliest practicable time.

Approved March 6, 1876.

No. 43.

RESOLUTION directing the Governor to procure from the War Department of the United States Government copies of the military rolls of Kentucky troops who served in the Mexican war.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor of this Commonwealth be, and he is hereby, directed to procure from the War Department of the United States Government copies of the military rolls of the Kentucky troops who served in the Mexican war. The sum of three hundred dollars is hereby appropriated for the purpose herein specified; and on the Governor's order to that effect the Auditor is directed to draw his warrant on the Treasurer for that sum, or so much thereof as the Governor may direct. This resolution to take effect from its passage.

Approved March 9, 1876.

No. 44.

RESOLUTION in regard to lottery.

WHEREAS, On January the 21st, 1874, the Attorney General of the State, in response to a resolution of the Senate,

Reported that certain lottery privileges had expired; now, therefore, 1876.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Attorney General of the State be, and he is hereby, directed to institute proceedings in the Franklin circuit court against such persons or companies or associations as hold or exercise or claim such privileges; and as well of any other lottery privileges which have expired, to have the same declared to be expired, and no longer of any force or effect, and to cause to be punished by proper proceedings in the proper court; therefore,

Be it further resolved, That the Attorney General of this Commonwealth be requested to furnish this General Assembly, at his earliest convenience, with such information as he may have in regard to the lotteries of this Commonwealth, showing—

First. The number of lottery grants or charters that have been granted by the Legislature of Kentucky since 1870 that now claim to act by authority of law.

Second. When were these grants or charters passed by the Legislature, under which these called the Paducah Lottery, the Frankfort Lottery, and the Shelbyville Lottery, or any other lottery claim to act, being operated within this Commonwealth.

Third. What were the terms and conditions upon which the Legislature made the grants, franchises, &c., to the incorporations therein named or designated.

Fourth. How long have these grants, franchises, and privileges to run before they will expire, or exhaust themselves, by the terms of the grants therein contained.

Fifth. To state what legislation, in his opinion, is necessary to require said lottery companies to report to the Governor of this Commonwealth, annually, showing their operations under said grants, whether the same are exhausted, and if not exhausted, when they will terminate and expire.

Approved March 9, 1876.

1876.

No. 45.

RESOLUTION in regard to sword of Adjutant G. N. Cardwell.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Librarian be, and she is hereby, directed to take charge of the sword of Adjutant G. N. Cardwell, and place it for safe-keeping among the treasured relics of the other brave and gallant sons of the State.

Approved March 10, 1876.

No. 46.

RESOLUTION providing for the removal of the remains of Jacob Lamb, a soldier of the wars of the Revolution and 1812, to the State Cemetery, at Frankfort.

WHEREAS, Jacob Lamb, when a youth of sixteen, took part in the war of the Revolution, and afterwards, under Wayne, in the War of Twelve, and never having applied or received remuneration, and his remains now sleep beyond the confines of this State; therefore, to keep alive in the bosom of the youth of our land that patriotic fervor that gave us our liberties, it is meet that some appropriate honors should be paid to the remains of the heroes of said wars; and whereas, to carry out the views of those not wishing to be a tax upon the Government; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the friends and relatives are hereby permitted to remove the remains of Jacob Lamb to the State Cemetery, at Frankfort, and inter them therein without expence to the State, and erect a suitable monument, with inscription thereon.

Approved March 15, 1876.

No. 47.

RESOLUTION appropriating twenty-five dollars to Miss Mary O. Murray.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of twenty-five dollars is hereby appropriated, to compensate in part, and for the encouragement of art and

science, Miss Mary O. Murray, for the handsomely executed and framed motto-sentiment: "God bless our Legislature in all its righteous acts"—said motto shall hereafter be kept in the Senate Chamber suspended as it now is. The Auditor is authorized to draw his warrant in favor of Miss Mary O. Murray to pay the sum hereby appropriated.

Approved March 15, 1876.

1876.

48.

RESOLUTION providing an extension of the present session.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That this session be extended until 9 o'clock, P. M., on Monday, March 20, at which time it will adjourn *sine die*.

Approved March 18, 1876.

No. 49.

RESOLUTION in relation to the death of ex-Governor Thos. E. Bramlette.

Thomas E. Bramlette, late Governor of the Commonwealth, a distinguished citizen of the State, having departed this life since the adjournment of the last Legislature, we deem it becoming that we, the representatives of the people, should pay respect to his memory; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

1. That, in the death of Thomas E. Bramlette, the Commonwealth has lost one of her gifted and worthy citizens.

2. That, in the various public trusts which he filled in the State—as a Representative in the Legislature, Commonwealth's Attorney, Circuit Judge, and Governor of the Commonwealth—in each and all of them he ever demeaned himself in such manner as to reflect back upon the Commonwealth the honors she conferred upon him.

3. That, as a private citizen, he was brave, generous, gentle, and kind; he cherished no revengeful hates, took more pleasure in forgiving an injury than in revenge. He was a genial companion, a faithful friend, and an ornament to society.

RESOLUTIONS.

1876. 4. That as, a mark of our respect for the memory of the deceased, that these resolutions be spread upon the Journal of the Senate, and the Clerk directed to forward a copy to the family of the deceased.

5. That, as a further mark of our respect, we do now adjourn.

Approved March 20, 1876.

No. 50.

RESOLUTION in reference to the election of a Public Printer.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That this General Assembly proceed to elect a Public Printer at 4 o'clock, P. M., Monday, March 20th, 1876.

Approved March 20, 1876.

No. 51.

RESOLUTION as to relations between the State of Kentucky and the Kentucky River and Green River Navigation Company.

WHEREAS, A joint committee of the Senate and House of Representatives of this Legislature have, for some time, been investigating the relations, existing under the contract, between this Commonwealth and the Kentucky River and Green River Navigation Company, and the condition of the locks and dams on the Kentucky river and Green river; and where, as, said committee, after due consideration, have concluded that the said Kentucky River and Green River Navigation Company have failed in every respect to comply with its contract with the State, have failed to repair and keep in repair the said locks and dams, and have suffered same to become and remain out of repair, and have, by so doing, seriously injured their usefulness, and have failed to pay the rents, and through its president has said to said committee that it is unwilling to surrender possession to the State of said improvements, except upon the condition that the State assumes to pay all of its indebtedness—the amount of which, so far as the said committee could ascertain, is

1876.

problematical; and whereas, said committee are satisfied that said company have not manifested, and in fact does not entertain, any intention of ever complying with its said contract, and is hopelessly insolvent; and whereas, suit was instituted 30th July, 1873, against said company, seeking a forfeiture of the lease, &c., but nothing has been done under said suit; and whereas, it appears absolutely necessary that said improvements should be repaired at as early a day as possible, and the sooner the better; be it, therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Attorney General of Kentucky be, and he is hereby, directed to proceed, in such manner and at such times as should seem to him most proper for its speedy accomplishment, to repossess the locks and dams and improvements, and all and singular the attachments and incidents belonging to or in anywise appertaining to the slack-water navigation of and on Kentucky river and Green river, and to annul and forfeit the contract and lease of the Kentucky River and Green River Navigation Company, and, should he deem it advisable, sue said company for any or all its indebtedness to the State, and for damages; and all expenses incurred in and about these matters shall, upon his certificates as to correctness, be at once paid out of the Treasury upon the warrant of the Auditor of Public Accounts; and, in the event any bond or bonds shall be needed in the prosecution of the duties heretofore referred to, the Commissioners of the Sinking Fund are directed to give the Attorney General any assistance he may require.

Approved March 20, 1876.

No. 52.

RESOLUTION in relation to E. O'M. Condon, a naturalized citizen of the United States, imprisoned by the British Government for a political offense.

WHEREAS, Information has reached this body that E. O'M. Condon, a naturalized citizen of the United States, is held in imprisonment by the British Government for a political offense; and whereas, a memorial from his fellow-countrymen, citizens of this State, has been presented in his behalf:

1876. *Resolved by the General Assembly of the Commonwealth of Kentucky :*

That our Senators in Congress be directed, and our Representatives requested, to take such steps as, in their judgment, may be best to secure the interposition of the Federal Government in behalf of said prisoner, and tend to his restoration to freedom and his return to his adopted country.

Resolved, That these resolutions, together with the memorial herewith, be printed, and that the Governor be requested to forward copies of the same to our Senators and Representatives in Congress.

Approved March 20, 1876.

No. 53.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the present session of the General Assembly be extended to the hour of twelve, midnight, to-night, March 20th, 1876: *Provided*, That no bills shall be taken up or considered, without unanimous consent, except the general appropriation bill, and such bills as the Governor may return disapproved.

Approved March 20, 1876.

No. 54.

RESOLUTION for the benefit of D. D. Sublett and John A. Crittenden.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of D. D. Sublett, for the sum of twenty-five dollars, for extra services in waiting on the committee of investigation ordered by the Senate; also draw his warrant on the Treasury in favor of J. A. Crittenden, for five dollars, for services as Assistant Sergeant-at-Arms of House. This resolution shall take effect from its passage.

Approved March 20, 1876.

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LOCAL AND PRIVATE ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT ON FRIDAY, THE THIRTY-FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED AND SEVENTY-FIVE.

JAMES B. McCREARY, *Governor.*

J. C. UNDERWOOD, *Lieut. Gov'r and Speaker of Senate.*

WILLIAM J. STONE, *Speaker House of Representatives.*

J. STODDARD JOHNSTON, *Secretary of State.*

THOS. E. MOSS, *Attorney General.*

CHAPTER 2.

AN ACT to amend an act approved February 9th, 1872, in relation to the Augusta and Minerva Turnpike Road Company, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1876.

§.1. That section four of an act, entitled "An act for the benefit of the Augusta and Minerva Turnpike Road Company, in Bracken county," approved February 9th, 1872, be

1876. so amended as to read, "at a distance less than a mile from the city of Augusta and the town of Minerva."

§ 2. This act shall take effect from its passage.

W. J. STONE,

Speaker of the House of Representatives.

JOHN C. UNDERWOOD,

Speaker of the Senate.

Approved, January 12, 1876.

JAMES B. McCREARY.

By the Governor:

J. STODDARD JOHNSTON, *Secretary of State.*

CHAPTER 3.

AN ACT to amend an act, entitled "An act incorporating the German Real Estate and Building Association, of Louisville, Kentucky."

Therefore be it enacted by the General Assembly of the Commonwealth of Kentucky:

Shares of stock
\$350 each.

How paid.

§ 1. That each share of stock of the German Real Estate and Building Association, of Louisville, Kentucky, shall be, when paid up, three hundred and fifty dollars instead of five hundred and twenty dollars, as provided in the original charter to which this is an amendment; and that the same shall be paid in weekly installments of one dollar each, as provided in the first charter; and when said shares shall have been fully paid up to that amount, each weekly payment shall cease.

Power of stock-
holders.

§ 2. *And be it further enacted,* That at the regular annual meeting of the stockholders, or at a called meeting of the same for that purpose, of which the stockholders are notified by advertisement for the period of three consecutive days, in one German and one English newspaper published in the city of Louisville, the majority of said stockholders present may determine upon the time and manner of settling, closing, and winding up the business of said association; and that this act shall take effect from its passage.

Approved January 12, 1876.

CHAPTER 4.

1876.

AN ACT to cause the revenue and county levy of Clay county to be collected for the years 1875 and 1876.

WHEREAS, In consequence of the failure of the usual crops in Clay county, caused by repeated floods of water, followed by protracted drouths, no responsible person has been found who was willing to undertake the collection of the public dues of said county since 1874; for remedy whereof, and to encourage the collection of the public dues of said county,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Clay county be, and he is hereby, allowed the sum of twelve per cent. on all the revenue he collects and pays unto the Treasury for Clay for the years 1875 and 1876, and the Auditor will allow him said per cent. on his settlements. Sheriff's allowance for collecting State revenue.

§ 2. That the county treasurer and county court allow the sheriff of Clay county twelve per cent. for the county levy he collects and pays to the proper persons in Clay county for the years 1875 and 1876. His allowance for collecting county revenue.

§ 3. This act shall take effect from its passage.

Approved January 14, 1876.

CHAPTER 6.

AN ACT for the benefit of the sureties of John G. Samuels, late sheriff of the county of Nelson.

WHEREAS, John G. Samuels, late sheriff of the county of Nelson, made default for the revenue for the year 1873, which was due and payable into the Treasury on the first day of April, 1874; and on the 24th day of June, 1874, judgment was rendered in the Franklin circuit court against said Samuels and Squire Murphy, Dent S. Pash, Orion N. Cox, G. W. Foreman, Alexander Sayers, James C. Samuels, and Wilson Samuels, his sureties, for the sum of fifteen thousand six hundred and eight dollars and forty-one cents (\$15,608 41), with interest thereon at the rate of ten per centum per annum from the 1st day of June, 1873, until paid, all of which has been paid; and the said Samuels being insolvent, and having become a non-resident of this State, said sureties

1876. had to pay a large part of said judgment; and for the reasons aforesaid they are without remedy; and the payment of ten per centum interest on said sum for ten months before it was due and payable into the Treasury, amounting to the sum of thirteen hundred dollars, is a great hardship on said sureties; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer in favor of the said Squire Murphy, Dent S. Pash, Orion N. Cox, G. W. Foreman, James C. Samuels, and Wilson Samuels, for the sum of thirteen hundred dollars, payable out of any money in the Treasury not otherwise appropriated.

\$1,300 appropriated to sureties.

§ 2. This act shall be in force from its passage.

Approved January 14, 1876.

CHAPTER 7.

AN ACT for the benefit of the children of Joseph Ross, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel Lewis Ross, Harvey Ross, and Jane Ross, all minors and free persons of color, of the county of Woodford, and all children of Joseph Ross, deceased, be, and they are hereby declared to be, the heirs-at-law of the said Joseph Ross, deceased, and as such shall inherit and take of the estate of said deceased parent, any informality or want of legality in the marriage of said Joseph Ross, deceased, and Margaret Ross, the mother of the aforesaid children, to the contrary notwithstanding.

Children declared heirs-at-law.

§ 2. This act to take effect and be in force from and after its passage.

Approved January 18, 1876.

CHAPTER 8.

1876.

AN ACT to incorporate the St. Bonifacius Roman Catholic Men's Society,
of Paducah, Ky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Jno. Arts, Joseph Dicke, Frank Bechtold, and Corporators.
Jacob Schraven, and their associates and successors, are hereby created a body-politic, and are incorporated, by the name of The St. Bonifacius Roman Catholic Men's Society, of Paducah, Kentucky; and are hereby empowered to contract Powers.
and be contracted with, sue and be sued; to have a seal, and alter the same at pleasure; with power to make and change constitution and by-laws as may be necessary for its government.

§ 2. The said corporation may purchase and hold any quantity of land in McCracken county, Kentucky, not exceeding twenty acres, for the use and purpose of a burial ground, which they may lay off into burial lots, and sell the same to any person who desires them for such a purpose; and may convey the same by deed. The owners of said burial lots shall hold them subject to such reasonable regulations as may be prescribed by the corporation for the government of said burial ground. If any lot or lots conveyed by the corporation to any one shall ever be used for any purpose than for a burial ground, the same shall revert to the corporation. May acquire & hold land for burial purposes.

§ 3. That the said society may acquire and hold, by purchase or otherwise, a library, which, with necessary furniture for office and library furniture, shall not exceed in value ten thousand dollars; and may also acquire and hold, for a library and office building, one lot of land in Paducah, Kentucky, not larger than the usual city lots of said city. May acquire & hold library and office.

§ 4. The society may require bonds with surety, of any officer elected or appointed under any constitution or by-law of the society, for the faithful performance of his duty. Bond required of officer.

§ 5. This act shall take effect from its passage.

Approved January 18, 1876.

1876.

CHAPTER 9.

AN ACT to incorporate Hartford Lodge, No. 158, Independent Order of Odd Fellows, at Hartford, Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That Bur. P. Berriman, Thomas J. Smith, William Phipps, J. W. Griffin, Henry Griffin, O. L. Boen, W. G. Berry, and M. Potter, and their associates, be, and they are hereby, created a body-corporate, by the name and style of Hartford Lodge, No. 158, Independent Order of Odd Fellows, and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure, provided they be not in contravention of the constitution laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act of the Legislature of Kentucky, approved February 16th, 1838, nor in contravention of the Constitution and laws of the United States or of this State.

§ 2. That the said corporation shall have power and authority to acquire and hold real estate not exceeding in value ten thousand dollars, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

§ 3. That the right to alter, amend, or repeal this act is hereby reserved to the General Assembly of Kentucky.

§ 4. This act to take effect from and after its passage.

Approved January 19, 1876.

CHAPTER 10.

1876.

AN ACT to incorporate the Falmouth Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established in Falmouth, Pendleton county, Kentucky, with a capital of fifty thousand dollars, in shares of one hundred dollars each, which may be by the stockholders increased to one hundred thousand dollars, to be subscribed and paid for as hereinafter specified. And the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Deposit Bank of Falmouth, Kentucky, and shall so continue for a term of twenty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever. But if said company is not organized within one year after this act takes effect, this act shall be void. It may have a common seal, and change and renew the same at pleasure.

Bank established.

Capital stock.

Corporate powers.

Common seal.

§ 2. Said bank shall be under the control and direction of seven directors, each of whom shall be a stockholder in the same and a resident of this State (six of the directors shall be residents of Pendleton county, Kentucky); and, after the first election, the said directors shall be elected annually on the first Thursday in January of each succeeding year, and shall hold office until their successors are elected and qualified. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws: *Provided*, That their meetings may be had at any time deemed necessary for the transaction of the business of the bank. And in case of the death or resignation of any director, the vacancy shall be filled by the board of directors; and the person so chosen by the said board shall hold office as a director until his successor shall be elected and qualified at the next annual election. The directors shall have power to receive subscriptions for so many of the shares of the stock of said bank remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sum as wages and salaries, and take from

Directors elected annually.

Vacancy—how filled.

Powers of directors.

1876. them severally such bonds to secure the faithful performance of their duties, as they shall think proper and reasonable.

Stock personal
property.

The stock shall be deemed personal property and shall be assignable according to such rules as the board of directors shall, from time to time, establish.

Commissioners
—their duties and
powers.

§ 3. Charles Robbins, Henry Bullock, and G. R. Rule are hereby appointed commissioners, any two of whom may open books and receive subscription for the capital stock; and when five hundred shares have been subscribed it shall be their duty to give twenty days' written or printed notice to the stockholders, and appoint a day for the election of a board of directors, who shall be qualified and hold their offices until their successors are elected at the ensuing annual election; and in all elections for directors of said bank the stockholders shall be entitled to one vote for each share of the capital stock held in the same.

Shares — how
paid.

§ 4. The payment for the shares subscribed shall be as follows: Five dollars on each share at the first election of directors, and the balance in calls of fifteen per cent., by the board of directors, until fifty per cent. of the capital stock shall have been paid, when no further requisition may be had upon the stockholders without the consent of a majority of the same; and should any of the subscribers fail to pay their subscriptions of stock as herein provided, after giving personal notice of their intention for two weeks, the directors may, by resolution entered on their records, forfeit such stock, and re-sell the same, after thirty days' notice, in some newspaper published in the county. After payment of the amount due and unpaid on such stock, the residue of the proceeds of such sale shall inure to the benefit of such stockholders.

When to com-
mence business.

§ 5. Said corporation may commence business so soon as twenty thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice of the peace.

What may re-
ceive on deposit,
&c.

§ 6. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner and at such times as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money,

exchange, promissory notes and other evidences of debt, take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon at the time, in writing, in all respects as natural persons may do under the law. 1876.

§ 7. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods, chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary, provided the same be not contrary to the Constitution and laws of this State, or of the United States. What may acquire and hold. Proviso.

§ 8. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose. Not a bank of issue. Right to examine affairs of said corporation.

§ 9. The right to repeal, alter, or amend this charter shall be reserved to the Commonwealth. Right to alter or amend.

§ 10. This act to take effect from its passage.

Approved January 19, 1876.

CHAPTER 11.

AN ACT to change the time of holding the court of claims of Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the court of claims of Meade county be changed from the 4th Monday in September to the 2d Monday in November, in each year.

§ 2. That this act shall take effect from and after its passage.

Approved January 20, 1876.

CHAPTER 12.

AN ACT to continue in force an act, entitled "An act for the benefit of the administrators of Wm. Simpson, late clerk of the Wayne circuit and county courts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the administrators of William Simpson, late clerk of the Wayne Act of January 14, 1874, continued in force.

1876. circuit and county courts," approved January 14th, 1874, be, and the same is hereby, continued in force two years from the 14th day of January, 1876.

§ 2. This act to take effect from the 14th day of January, 1876.

Approved January 20, 1876.

CHAPTER 13.

AN ACT for the benefit of John M. Johnson, late sheriff of Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Empowered to
collect State rev-
enue and county
levy of 1875.

§ 1. That John M. Johnson, late sheriff of Henderson county, is empowered and authorized to collect the State revenue and county levy for the year 1875 due or owing by the tax-payers of Henderson county.

Allowed one
year.

§ 2. Said Johnson is allowed one year from the passage of this act to collect said taxes.

Proviso.

§ 3. That said Johnson shall not be entitled to the benefits of this act until his sureties on his revenue bond for the year 1875 shall appear before the judge of the Henderson county court, and being considered good and sufficient, and being approved by the said judge, shall consent, in writing, to the provisions of this act; which said writing shall be entered of record on the order-book of said county court; or until said Johnson shall execute a new bond according to law (and approved by the said judge) for the collection of the revenue herein named.

§ 4. This act shall take effect from its passage.

Approved January 20, 1876.

CHAPTER 14.

AN ACT for the benefit of L. J. Wise, jailer of Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of L. J. Wise for

ninety-five dollars, to be paid out of any money in the Treasury not otherwise appropriated, that being a part of the amount paid by the said Wise out of his own means for the arrest of a desperate fellow who made his escape from the Ohio county jail.

1876.

§ 2. This act to take effect from its passage.

Approved January 20, 1876.

CHAPTER 15.

AN ACT to amend an act, entitled "An act to authorize the Christian county court to issue bonds for the purpose of building a court-house, and to establish a sinking fund to liquidate the said bonds," approved February 13th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to authorize the Christian county court to issue bonds for the purpose of building a court-house, and to establish a sinking fund to liquidate the said bonds," approved February 13th, 1867, be so amended as to authorize the Christian county court of claims to levy and have collected an annual tax sufficient to redeem each year not exceeding twelve thousand dollars of the court-house and jail bonds issued by said county.

Court of claims to raise means to redeem court-house and jail bonds.

§ 2. This act shall take effect from its passage.

Approved January 20, 1876.

CHAPTER 16.

AN ACT to regulate the time of holding justices' courts in the cities of Newport and Covington, and in the county of Jefferson outside the city limits of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That justices of the peace within the corporate limits of the cities of Newport, in Campbell county, and Covington, in Kenton county, and within the county of Jefferson outside of the city of Louisville, be, and they are hereby, empowered to hold their courts for the trial of civil actions at any time, after giving to the defendant five days' notice of the time and place of trial, where the amount in controversy,

May hold courts for trial of civil actions.

Notice to defendants

1876. exclusive of interest and costs, does not exceed \$50, and by giving to the defendant ten days' notice, where the amount in controversy, exclusive of interest and costs, exceeds \$50 and is less than \$100.

Officer must
state time and
place of trial.

§ 2. The time and place of trial shall be designated by the officer in his return on the warrant; and until said return is so made by the officer, the justice shall have no jurisdiction to render any judgment in such case.

§ 3. This act shall take effect and be in force from and after its passage.

Approved January 20, 1876.

CHAPTER 17.

AN ACT to repeal an act, entitled "An act for the benefit of the county judge of Henry county," approved March 27th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the county judge of Henry county," approved March the 27th, 1872 (Session Acts 1871-'2, volume 2, page 270), be, and the same is hereby, repealed.

§ 2. And that this act shall take effect from and after its passage.

Approved January 20, 1876.

CHAPTER 18.

AN ACT to prevent the destruction of fish in Lewis, Daviess, and McLean counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

What unlawful.

§ 1. That it shall be unlawful for any person or persons to set a fish-trap, or haul a seine, or stretch a set-net, or otherwise use a fish-net of any description other than the common or ordinary minnow-net or seine, the length of which shall not exceed twelve feet, for the taking or catching fish in any water-course in Lewis, Daviess, and McLean counties.

§ 2. That each and every person who shall be guilty of a violation of this act shall, for each and every offense, be subject to a fine of fifty dollars, recoverable as hereinafter provided for. 1876.
Penalty.

§ 3. The penalty imposed by this act shall be enforced by warrant, issued by, and returnable before, the presiding judge of the quarterly court, or before any justice of the peace of said counties. How enforced.

§ 4. Any person or persons may prosecute under the provisions of this act, and, in case of conviction, one half of the fine shall inure to the benefit of the prosecutor. Who may prosecute.

§ 5. No warrant shall issue under this act except upon written affidavit filed before the officer issuing the warrant. How warrant shall issue.

§ 6. This act shall be in force from and after its passage.

Approved January 20, 1876.

CHAPTER 19.

AN ACT for the benefit of common schools in Paducah, Ky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the collector of common school tax in the city of Paducah, Kentucky, or any other person or persons who may be authorized by the council of said city to collect said common school taxes for said city, including back taxes as well as present and future taxes, shall, and without unnecessary delay, pay the same over to the treasurer of the board of trustees of common schools for said city, and take his receipt therefor; and which receipt shall be a good voucher in any settlement said collector may be required to make, either with the common council of said city or with the common school board; and said collector or collectors shall not pay the same to the treasurer of the city of Paducah, Kentucky, or the council of said city, nor to any person or corporation, but the treasurer of said common school board; and for any violation of this act by said collector or any collector of said taxes, he shall be proceeded against by suit on his bond, in the name of the "Trustees of the Board of Common Schools of Paducah, Kentucky," in any court having jurisdiction of the amount, after a demand of payment in writing, made on Collector shall pay taxes to the treasurer of board of trustees of common schools.

Penalty for failure to so pay.

1876. him by the treasurer of said common school board five days before the institution of said suit.

§ 2. This act shall take effect from its passage.

Approved January 20, 1876.

CHAPTER 20.

AN ACT to amend an act, entitled "An act to change the line dividing Logan and Simpson counties," approved January 14th, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the word State, occurring at the end of the nineteenth line, section two, of said act, be stricken out, and the word sheriff inserted in lieu thereof.

§ 2. This act shall take effect from its passage.

Approved January 22, 1872.

CHAPTER 21.

AN ACT to amend the charter of the Lebanon and Bradfordsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Lebanon and Bradfordsville Turnpike Road Company be so amended as to allow the construction of a bridge of iron or wood, as the directors of said road may determine, over the Rolling Fork, on the line of said road in Marion county.

§ 2. That on the completion of said bridge for crossing, said road company may collect tolls therefor, equal to the tolls now collectable at one gate.

§ 3. This act to take effect from and after its passage.

Approved January 22, 1876.

CHAPTER 22.

1876.

AN ACT for the benefit of the Lebanon and Bradfordsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, the proceeds of the Muldrough's Hill Turnpike shall be paid over to the Lebanon and Bradfordsville Turnpike Road Company, for the purpose of erecting a bridge over the Rolling Fork on the line of their road in Marion county.

§ 2. The proceeds of said road are to be first applied to keeping said Muldrough's Hill Road in good repair.

§ 3. The amount contributed by the Muldrough's Hill Road to the building of said bridge shall be stock in favor of the State to the extent the State pays therefor.

§ 4. This act to take effect from its passage.

Approved January 22, 1876.

CHAPTER 23.

AN ACT to amend the charter of the town of Campbellsville, in Taylor county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Campbellsville, in Taylor county, shall have power to levy and collect each and every year a tax not to exceed the sum of fifty cents on the one hundred dollars of taxable property in said town, instead of fifteen cents on the one hundred dollars, as now allowed by law, to be levied and collected as the revenue of said town has heretofore been collected.

Power of trustees

§ 2. That all persons having claims, bonds, or other evidences of debt against said town, may have the amount of their tax indorsed as a credit on said claims, bonds, &c., by giving to the collector of said tax a receipt for the amount of such credit, which receipt shall be a voucher to said collector in his settlement of said taxes with the board of trustees of said town.

Credit to be given by collector for all evidences of debt against town.

§ 3. That this act take effect from its passage, and that the tax provided for in the first section hereof be levied and collected the present year.

Approved January 22, 1876.

1876.

CHAPTER 24.

AN ACT to incorporate the Sandy Point Gravel Road Company, in McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Etheldred Futrell, J. W. Nichols, Exum Futrell, W. J. Browning, be, and they are hereby, created a body-politic and corporate, under the name of the Sandy Point Gravel Road Company; and by that name shall have perpetual succession, with power to sue and be sued, and to contract and be contracted with; with authority to build a gravel road from Pitman's shop, on the Paducah and Lovelaceville Gravel Road, in McCracken county, Kentucky, to the county line between McCracken and Graves county, Kentucky, to strike said line at or near Poplar Bluff, in McCracken county. Said road shall follow, as nearly as may be practicable, the bed of the present Paducah and Clinton dirt road. The road shall be twenty feet wide; the grade eighteen feet wide, with gravel one foot deep; culverts and bridges to be strong, well built wooden structures.

§ 2. The capital stock of said company shall be twenty thousand dollars, but may be increased to thirty thousand, to be divided into shares of one hundred dollars each, and each stockholder shall be allowed one vote for each share held by him.

§ 3. The said road shall be under the control of five directors, all of whom shall be stockholders; they shall be elected each year, at a time to be fixed by a by-law of the company, and may hold their position until their successors are elected and qualified.

§ 4. The persons named in the first section of this act are constituted a board, any two of whom may open books, receive subscription, and when stock enough to complete three miles of road is subscribed, the said board may organize said company; and when any subscriber has fully paid up his stock, the president shall issue to him a certificate of stock countersigned by the secretary.

§ 5. The board of directors shall, at such time as they may fix by a by-law, elect a president and secretary every year.

§ 6. This act shall take effect from its passage.

Approved January 22, 1876.

CHAPTER 25.

1876.

AN ACT to repeal an act, entitled "An act to apply the provisions of an act, entitled 'An act to incorporate a municipality in Jefferson county' to certain other precincts," approved February 23, 1874, and styled chapter 566.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act, entitled "An act to apply the provisions of an act, entitled 'An act to incorporate a police municipality in Jefferson county' to certain other precincts," approved February 23, 1874, and styled chapter 566, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved January 25, 1876.

CHAPTER 26.

AN ACT to incorporate the South Covington and Cincinnati Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That E. F. Abbott, B. R. Morton, W. O. Ford, and S. C. Hermes, or those of them who shall act, their associates, successors, or assigns, be, and are hereby, created a body-corporate and politic, with perpetual succession, under the name and style of the South Covington and Cincinnati Street Railway Company, and in such name to have full power to contract and be contracted with, sue and be sued, construct, operate, and manage street railways in the city of Covington and vicinity.

§ 2. Said company shall have a capital stock not to exceed two hundred thousand dollars, divided into shares of fifty dollars each.

§ 3. The business of said corporation shall be the construction, operation, and management of street railways in the city of Covington and vicinity, and along such streets and public highways in the city as the council shall grant the right of way to, and along such roads or streets out of the city as the companies or corporations owning the same may cede the right to the use of; and said city and such companies

1876. or corporations are hereby authorized to grant the right of way, and to agree to the necessary grade for the railway tracks; and when the right of way cannot be obtained by agreement, then the said company may proceed to condemn the same as in the case of turnpike, gravel, and plank roads; and it may at any time, by agreement or purchase, lease, consolidate with, acquire, hold or operate any other street railway, or interest therein, in Covington, Cincinnati, Newport, or vicinity, and may also in like manner dispose of any such rights and privileges to any other company or companies that shall undertake to operate their road or any part or lines thereof.

§ 4. Authority is hereby given to the company to cross the tracks of any other company, also to connect with and use the track of any other railway company in the city of Covington and vicinity, on equitable terms—that is, to pay such company a fair compensation for the use of such track. In the event a mutual agreement cannot be effected with such other company for the use of such part of its track as desired, then such use may be condemned by proceedings under a writ of *ad quod damnum*, as provided in chapter 110, entitled “Turnpike, Gravel, and Plank Road,” in the General Statutes.

§ 5. The board of directors shall consist of not less than three nor more than five, as shall be determined from time to time by the by-laws that may be ordained by the board of directors, also which shall prescribe the time, manner, and place of their election. Each share of stock shall entitle the holder to one vote, either by himself or proxy, in writing, and the persons having the highest number of votes shall be declared elected.

§ 6. The corporators in the first section mentioned, their associates, successors, or assigns, shall organize said company, and shall constitute the first board of directors. The board shall elect one of its members president, and such other officers as may be deemed advisable, and may fill all vacancies occurring in the board; and may appoint such agents and employes as may be desired, and prescribe their duties and fix their compensation; and may make all necessary by-laws and rules for the management of the company; and may purchase and hold such real and personal estate, routes, railway tracks, bonds, notes, or obligations as may be deemed requisite for

its use, and sell, convey, and exchange the same at pleasure; and may dispose of stock from time to time, and reissue such as may be acquired in the course of its business, whether taken for liens, debts, or otherwise; they may borrow money on the credit of the company, at a rate of interest not exceeding ten per cent. per annum, and may execute the notes or bonds of the company, and sell or dispose of the same; when deemed advisable, for the use and benefit of the company; and to secure the payment thereof, or of any indebtedness of the company, may mortgage or pledge the whole or any part of the property, income, and franchises of the company.

§ 7. The company shall have the right to charge reasonable rates of fare for passengers, which shall be payable on entering the cars; and if any passenger shall fail or refuse the payment, such passenger may be excluded therefrom, provided the company shall have the rate in print posted up in the cars.

§ 8. The president shall be the chief officer of the company, and shall perform such duties, and possess such powers, and receive such salary or compensation, as the board may from time to time prescribe.

§ 9. This act shall be in force from its passage.

Approved January 25, 1876.

CHAPTER 27.

AN ACT to authorize the Helena Turnpike Road to relinquish a part of its road to the Mayslick and Helena Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Helena Turnpike Road, of Mason county, may, and it is hereby empowered to, surrender to the Mayslick and Helena Turnpike Road, of said county, with the consent of the stockholders of said roads, all that portion of the road of the said Helena Turnpike Road which lies west of the Maysville and Lexington Railroad, upon such terms and conditions as may be mutually agreed upon by the said companies.

§ 2. That the Mayslick and Helena Turnpike Road may charge for the use of so much of the Helena Turnpike as may be relinquished to it the same rate of toll as though it had originally been a part of it; and the Helena Turnpike Road

1876. may charge for the use of its road the rate of toll authorized by its charter: *Provided*, That it may charge on one horse and rider and on a vehicle drawn by one horse, the rate of toll allowed for two and one half miles of road.

§ 3. This act to take effect from its passage.

Approved January 25, 1876.

CHAPTER 29.

AN ACT to amend an act, entitled "An act to incorporate the Broadway Baptist Church, of Louisville," approved March 25, 1872.

WHEREAS, The Broadway Baptist Church, of Louisville, having borrowed from James F. Irvin a large sum of money for the purpose of repairing and improving its property, and executed to said Irvin its notes, bearing interest at the rate of nine per cent. per annum from date for said sum; and whereas, said corporation agreed with said Irvin to execute to him a mortgage on its property for the better securing of his said debt; and doubts having arisen as to the power of said corporation to mortgage its property; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Broadway Baptist Church be, and the same is hereby, empowered to execute a mortgage upon its real and personal estate to said Irvin, to secure the payment of the said principal sum and interest as each respectively matures.

Power to execute mortgage.

§ 2. This act shall take effect from and after its passage.

Approved January 25, 1876.

CHAPTER 30.

AN ACT for the benefit of the Cabin Creek Turnpike Road Company, Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the special taxes that may be listed with the sheriff for collection shall be due from him on the 1st day of February following the time of listing; and in case of his

Taxes—when due.

failure to pay the same over to the treasurer of said road upon demand, after that date, he shall be liable, in addition to the full amount listed with him, the sum of five per cent. on the whole amount so listed; and in case the sheriff fails or refuses to pay the same over to the treasurer of the said road, as above prescribed, the company may, at the first term of the circuit court for said county, or at any following term of said court, proceed to obtain judgment against the said sheriff and his sureties for the full amount due said company from him, including the five per cent. penalty.

1876.

Penalty for failure to pay over.

§ 2. That the president and directors of said company shall have the right to erect toll-gates at any point on said road that they may deem proper, provided the rate of toll at present allowed by law to be charged shall not thereby be increased.

Right to erect toll-gates.

§ 3. The said company shall have the right to erect a gate, and collect toll upon said road whenever two and a half miles or more of said road is completed.

§ 4. This act to take effect from its passage.

Approved January 25, 1876.

CHAPTER 32.

AN ACT to amend the charter of the White Oak Turnpike Road Company, in Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the shares of stock in said company shall hereafter be twenty-five dollars. Shares \$25.

§ 2. This act to take effect from and after its passage.

Approved January 25, 1876.

CHAPTER 33.

AN ACT for the benefit of John Coleman, of Pike county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Coleman, of Pike county, shall be authorized to erect a dam across the left hand chute of the island,

Authorized to erect dam.

1876. opposite the mouth of Marrowbone creek, in the Russell's Fork of Big Sandy river; which dam shall not exceed three feet in height.

§ 2. This act shall take effect on its passage; and the rights and franchises herein granted shall continue for ten years from its passage, but not longer.

Approved January 25, 1876.

CHAPTER 34.

AN ACT to amend an act incorporating the Kiddville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act incorporating the Kiddville Turnpike Road Company be amended by striking out the words "running west of his house," contained in section first of said act.

§ 2. This act to take effect from and after its passage.

Approved January 25, 1876.

CHAPTER 37.

AN ACT to legalize and make valid certain orders and proceedings of the Livingston county court.

WHEREAS, At a term of the Livingston county court, held on the 20th of March, 1872 (the county judge and a majority of the justices presiding), said court adopted a plan and specifications for remodeling and repairing the court-house of Livingston county, and appointed J. W. Cade, J. T. Handlin, Geo. G. Rappolee, and John L. Vick, commissioners of said county, to let out and superintend the remodeling of said court-house, and authorized, empowered, and directed said commissioners to borrow a sufficient amount of money to pay for the same, not to exceed, however, seven thousand dollars, and to execute the bonds of the county therefor, to bear ten per cent. interest per annum, payable in five years thereafter, or sooner, at the option of the county court; and whereas, doubts are entertained as to the legal authority of said court to make the said order, and to the commissioners to borrow said money on the faith of the county; now, in remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1876.

§ 1. That the order of the Livingston county court, made at its term held 20th of March, 1872, appointing J. W. Cade, J. T. Handlin, Geo. G. Rappolee, and John L. Vick, commissioners to superintend the remodeling and repairing the court-house of Livingston county, and to borrow money for said purpose, and execute the bonds of the county therefor, and all acts done in pursuance thereof, be, and the same is hereby, legalized and made valid.

§ 2. This act to take effect and be in force from its passage.

Approved January 25, 1876.

CHAPTER 38.

AN ACT to repeal an act, entitled "An act to incorporate a police municipality in Jefferson county," approved 11th February, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate a police municipality in Jefferson county," approved 11th February, 1874, be, and it is, repealed.

§ 2. This act shall take effect from and after its passage.

Approved January 25, 1876.

CHAPTER 39.

AN ACT to amend the charter of the Mayslick and Helena Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Mayslick and Helena Turnpike Road Company be amended so as to make it lawful for the stockholders of said company to elect a president and three directors, instead of the number now provided for in the charter of said road.

§ 2. This act to take effect from its passage.

Approved January 25, 1876.

1876.

CHAPTER 40.

AN ACT to amend the charter of the Hills City Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the turnpike road built by the city of Maysville, from the Maysville and Mount Sterling Turnpike Road to the mouth of Lexington street, and along the same to Fourth street, in the Fifth Ward of said city, is hereby incorporated into, and shall form a part of, the Hills City Turnpike Road.

§ 2. It shall be the duty of said Hills City Turnpike Road Company forever to keep up and in repair the road mentioned in the first section of this act; and said company shall have the right to collect tolls for the travel thereon, in the same manner as are now allowed by law.

§ 3. This act shall take effect from and after its passage.

Approved January 25, 1876.

CHAPTER 41.

AN ACT to amend an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Directors may
invest excee s.

§ 1. That an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association," approved February 24, 1872, be amended as follows, to-wit: The board of directors of said association is authorized to invest, from time to time, any part of the money of the association that may be on hand in excess of the amount required for the time for loans and retirement of stock, in bank stock or bonds of any kinds; and may loan any part of such money to stockholders upon the security of their stock in the association as collateral to secure payment of such loan or loans respectively; and may loan any part of such money to persons not stockholders, upon personal security or collaterals, without requiring a mortgage upon real estate.

§ 2. That the word "six" is substituted for the word "five" in the third section of said act.

§ 3. That this act shall take effect from its passage.

Approved January 25, 1876.

CHAPTER 44.

1876.

AN ACT for the benefit of constables of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That constables in the county of Jefferson, outside of the city of Louisville, shall have the same power (when the same is deemed necessary) to appoint assistants as constables in the city of Louisville now have, and the appointments shall be made in the same manner as appointments are now made in said city, and shall have the same power and jurisdiction; and the persons so appointed shall take their position under the same responsibilities as assistant constables in the city of Louisville now are.

Power to appoint assistants.

§ 3. This act shall take effect from and after its passage.

Approved January 25, 1876.

CHAPTER 45.

AN ACT to amend an act, entitled "An act to amend the charter of the Concord and Tollesboro Turnpike Road Company," approved December 22, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all fines that may hereafter be imposed under section one of said act aforesaid shall be, when collected, paid over to the treasurer of said road and be used in paying for repairs on said road.

Fines payable to treasurer.

How used.

§ 2. That from and after the next regular election for officers of said road the board of directors shall consist of three persons, one of whom shall act as president of the board, and one as secretary and treasurer.

Three to constitute board of directors.

§ 3. This act shall be in force from and after its passage.

Approved January 27, 1876.

CHAPTER 46.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Sharpsburg, in Bath county," approved January 13, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 1 of the act to which this is amendatory be amended by striking out the following words: "Where

1876. the defendant, or one of the defendants, if more than one resides in the Sharpsburg election district."

§ 2. This act shall take effect from its passage.

Approved January 27, 1876.

CHAPTER 47.

AN ACT to amend the charter of the DeCoursey Station, Taylor Road, and Bank Lick Short Line Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of said act be amended so as to allow
Amount of bonds increased. said company to issue its bonds to the amount of four thousand and two hundred dollars, instead of three thousand five hundred dollars, to be secured by mortgage or deed of trust, and on the first section of said road as now authorized by law, and to issue its bonds in the further sum of seven thousand two hundred dollars instead of six thousand two hundred dollars, to be secured by mortgage or deed of trust upon the second section of said road as now authorized by law.
How secured.

§ 2. That the fifth section of said act be amended so as to make the width of the macadamizing fourteen feet instead of eighteen feet, as now required by said section; and the depth of macadamizing shall be nine inches instead of fourteen, as now required—six inches of coarse stone, and three of fine stone placed upon the coarse.

§ 3. This act to take effect from and after its passage.

Approved January 27, 1876.

CHAPTER 48.

AN ACT to amend an act, approved March 19th, 1873, entitled "An act to incorporate the Pomeroy Coal Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the Pomeroy Coal Company be,
Name changed. and is hereby, changed to that of Crabtree Coal Company; and that hereafter the said company shall be known and called by the name of Crabtree Coal Company; and that here-

after the Crabtree Coal Company shall have all the powers, rights, and privileges which the Pomeroy Coal Company has heretofore had, and be subject to the same duties and liabilities to which the said Pomeroy Coal Company has been subject.

1876.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 27, 1876.

CHAPTER 49.

AN ACT to incorporate Confidence Lodge, No. 46, Independent Order of Odd Fellows, of Augusta, Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That H. V. Sisson, Vachel Weldon, P. S. Blades, C. C. Power, Geo. L. Reese, John Malcus, A. P. Louderback, J. W. Owens, and C. A. Reese, and their associates, and successors, be, and they are hereby, created a body-corporate, by the name and style of Confidence Lodge, No. 46, of the Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when they deem proper, and they may change and renew the same at pleasure, provided they be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the Constitution and laws of the United States. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and reinvest and dispose of the proceeds. The right

1876. to alter, amend, or repeal this act is hereby reserved to the General Assembly.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 27, 1876.

CHAPTER 50.

AN ACT to amend an act, entitled "An act incorporating Clayville, in Shelby county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act incorporating Clayville, Shelby county, Kentucky," be so amended that whenever a vacancy occurs in the office of town marshal, in said town, that the trustees shall have power to elect a marshal to fill out the unexpired term of said marshal.

§ 2. That this act shall be in force from and after its passage.

Approved January 27, 1876.

CHAPTER 51.

AN ACT to change the road law in Robertson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Robertson county shall, in the month of June every two years, appoint a commissioner of roads in said county, who shall take the following oath, or affirmation, in substance, to-wit: I, A. B., do solemnly swear or affirm (as the case may be) that I will fairly and impartially, to the best of my skill and ability, perform the duty of road commissioner during my continuance as such, according to law; and the said commissioner shall, at the same term, enter into bond with good security, to be approved by said court, payable to the Commonwealth of Kentucky, for the faithful performance of his duty as commissioner.

His Duties. § 2. That it shall be the duty of said commissioner to divide the county into convenient road precincts, and recom-

mend to the county court for appointment suitable persons as overseers in each precinct, whose duty it shall be to cause the roads in his precinct to be improved and kept in repair agreeably to law. 1876.

§ 3. That it shall be the duty of the clerk of the county court of said county of Robertson to make out for the said commissioner a copy of books of the commissioner of tax, and furnish the same to him on or before the 1st day of July in each year; and it shall be the duty of the road commissioner, on or before the 1st day of September in each year, to furnish each overseer appointed by the county court the boundaries of their respective precincts, with a transcript of so much of said commissioner's books as will embrace all the persons and property within the bounds of his precinct liable to work on roads, or to the payment of road tax in said precinct, showing in an appropriate column the amounts of revenue to be paid by each individual within the bounds of his precinct at a rate to be fixed by said commissioner, subject, however to the revision of the county court at its court of claims, not exceeding 10 cents on the one hundred dollars, and add to that revenue a poll-tax upon tithables within said county not exceeding one dollar and fifty cents; and each overseer shall call upon the individuals within his precinct to work upon the particular road of which he is overseer, until each person liable to a revenue or poll-tax as aforesaid shall have worked upon said road a length of time equal to one day for every one dollar to which such tax shall amount, or two dollars and fifty cents per day for two horses and plough or wagon, and fifty cents additional for each extra horse, including the driver; and this estimate shall determine the quantity of work due upon the road by each person liable to the same: *Provided*, That the county court of said county may exempt any person from the whole or any part of the labor which would be due by the aforesaid estimate, to be limited as to time by the court, and not retrospective in its effects, that the labor to be done may at all times be performed by able-bodied substitutes; and it shall be the duty of the overseers to dock any individual at the rate of 10 cents per hour for every hour he shall willfully idle away; and the overseer shall, within ten days, notify said delinquent of the amount and intent of the sum docked. The county court shall have power to strike out, for good cause, any sums which the hands

Duty of county clerk.

1876. may be docketed, that the whole of the labor due by any individual shall be payable in one road precinct, convenient to his place of residence, if he resides in the county; and where he resides out of the county, the sheriff shall collect the amount due by him as he now collects the revenue of the State: *Provided*, That nothing in this act shall affect the person or persons of those residing within the limits of any incorporated town or city in said county; but the property of persons residing within said incorporated towns or cities, which shall be situated without the limits of such incorporations, shall be liable to such tax, and the same shall be assessed by the commissioner, and placed upon some convenient road precinct in said county.

Road overseers to make return to commissioner.

§ 4. That the road overseers shall, on or before the 1st Monday in July, in each year, return to the commissioner the list delivered to him, with the amount of work done by each person upon said list; and for his failure to return said list, with the credits as aforesaid, he shall be fined, after ten days' notice to him, one dollar for each day he shall fail or refuse to return the same, after the said first day of July, to be assessed by the county court upon the information of the commissioner. The commissioner shall, at the July term of the county court in each year, report to the county court a list of overseers in the county, together with the names of those who have failed to return their lists as aforesaid; and he shall in each year deliver to the sheriff of the county a list of all those who have failed to work out the amount of their taxes, and the amount which each delinquent owes; the list to be furnished the sheriff on or before the first day of September in each year, and take the sheriff's receipt therefor. The sheriff shall proceed to collect from delinquents the amount placed in his hands by the commissioner, together with 10 per cent. thereon, and his fees allowed for such collections additional; and for his failure to collect and pay over the same, he shall be liable in the same manner that he is now liable for a failure to collect and pay over the county levy; and for his services in collecting the delinquent list, the sheriff shall have the same commission as now allowed for collecting the county levy. The commissioner shall report to the county court the amount received by him from the sheriff, and shall, as far as practicable, be caused to be ex-

pended in each precinct the amount collected from delinquents in that precinct.

1876.

§ 5. That overseers of roads shall be liable to presentments and fines as by the general laws of the State; and the commissioner shall, for a failure to discharge any of the duties required of him, be liable to presentment or indictment by the grand jury, and to be fined at the discretion of a jury. The county court may, at any time, appoint more than one commissioner of roads in said county, designating the district of each; all of whom shall be liable as heretofore set forth, for any delinquency to be assessed against those only who may be found delinquent; and the county court may at any time fill any vacancy that may occur in the office of road commissioner by death, resignation, or otherwise. The commissioner shall, for his services, receive a reasonable compensation, to be fixed by the county court at the court of claims, and paid out of the county levy.

§ 6. The commissioner may purchase for the use of the roads any tools or implements he thinks necessary, to be paid for out of the funds collected by the sheriff from delinquents in the precinct where the tools are to be used. The overseer shall be liable for any tools placed under his control by the commissioner, the value thereof to be recovered before any justice of the peace upon suit brought by the commissioner in the name of the Commonwealth of Kentucky. The commissioner shall not be liable for any cost in any suit brought by him as road commissioner.

§ 7. The general road law of the State is hereby adopted and made part of this act, except where it comes in conflict with the provisions of this act.

§ 8. All other road laws passed for Robertson county are hereby repealed from and after the third Monday in June, 1876.

§ 9. This act shall take effect from and after the third Monday in June, 1876.

Approved January 27, 1876.

1876.

CHAPTER 52.

AN ACT to repeal an act, entitled "An act to amend an act, entitled 'An act incorporating the Frankfort, Paris, and Big Sandy Railroad Company,'" approved March 4th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to incorporate the Frankfort, Paris, and Big Sandy Railroad Company,'" approved March 4th, 1872, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved January 27, 1876.

CHAPTER 53.

AN ACT relating to the Christian County and Clarksville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The board of directors of the Christian County and Clarksville Turnpike Company are authorized and empowered to remove their toll-gate from Longview to some point near the northern terminus of said road, in the direction of Hopkinsville.

§ 2. Said toll-gate shall not be established within one mile of the corporate limits of the city of Hopkinsville, or within five miles of any other toll-gate on said Christian County and Clarksville Turnpike.

§ 3. This act shall be in force from its passage.

Approved January 27, 1876.

CHAPTER 54.

AN ACT to revive to the Paducah, Benton, and Murray Gravel Road Company the franchises granted it by an act approved December 16, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the privileges and franchises granted to the Paducah, Benton, and Murray Gravel Road Company by an

act approved December the 16th, 1871, and which by the provisions of said act expired on the 16th day of December, 1875, be, and the same are hereby, revived and regranted to said company until the first day of October, 1876, but no longer.

1876.

§ 2. That this act shall take effect from its passage.

Approved January 27, 1876.

CHAPTER 55.

AN ACT for the benefit of Joseph G. Morgan, of Clay county.

WHEREAS, On the 29th day of June, 1874, His Excellency, P. H. Leslie, Governor of this Commonwealth, agreed, in writing, with J. G. Morgan, of Clay county, to allow said J. G. Morgan fifteen per cent. on the revenue collected by him in said county of Clay; and the said Morgan, acting as sheriff or collector of the revenue due from Clay county for the year 1874, went on under the said contract with His Excellency P. H. Leslie, Governor aforesaid, and collected the sum of four thousand seven hundred and ninety-four dollars and twenty cents (\$4,794 20), and paid the same into the Treasury of the State; and whereas, the Auditor of Public Accounts, under existing law at the time the said Morgan paid the sum aforesaid into the Treasury, could not pay said Morgan the fifteen per cent. according to the agreement aforesaid, but only paid or allowed said Morgan ten per cent. on the first thousand, eight per cent. on the second thousand, six per cent. on the third thousand, five per cent. on the fourth thousand, and four per cent. on the balance, making a difference in the amount agreed to be paid to said Morgan in the contract with the Governor as aforesaid and the amount actually received by him of four hundred dollars and seventeen cents; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasurer in favor of said Joseph G. Morgan, for the sum of four hundred dollars and seventeen cents, in payment of said claim.

Appropriates
\$400 17.

§ 2. This act shall be in force from its passage.

Approved January 27, 1876.

1876.

CHAPTER 56.

AN ACT to increase the jurisdiction of the police judge of Caseyville, Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

When jurisdiction concurrent with circuit and quarterly courts.

How summons issues.

When plaintiffs shall pay tax.

§ 1. That from and after the passage of this act the police judge of Caseyville, in Union county, shall have jurisdiction concurrent with the circuit and quarterly courts for the recovery of money or personal property where the matter in controversy, exclusive of interest and costs, does not exceed one hundred dollars. The pleadings therein may be oral and without verification; but before summons issues, the plaintiff shall file with said judge the account or note or other written contract, or a short written statement of the facts on which the action is founded. If the plaintiff's demand exceeds fifty dollars, he shall, at the time of filing his suit, pay a tax of fifty cents; and if the plaintiff's demand is less than fifty dollars, and the defendant's set-off or counter-claim is greater than fifty dollars, the defendant shall pay the tax of fifty cents; said tax to be taxed as part of the costs, collected and paid over by said judge to the trustee of the jury fund.

§ 2. This act to take effect from its passage.

Approved January 27, 1876.

CHAPTER 57.

AN ACT for the sale of Mt. Horeb parsonage.

WHEREAS, It is represented that Mount Horeb Church, in Fayette county, is the owner of a small tract of land, with the buildings thereon, which was conveyed by J. W. Thomas to the trustees of the church, to hold and use as a parsonage, and that it is desirable to sell this property and invest the proceeds in another parsonage, better suited for the purposes:

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Petition for sale.

§ 1. That it shall be lawful for the trustees holding the title to said parsonage, or a majority of them, to petition the Fayette circuit court or court of common pleas, in equity, for such sale and reinvestment, making the pastor and elders of said church parties to the petition; and the court shall have

jurisdiction to hear and determine the matters embraced in the petition, and any answer or any proof that may be made thereto; and, upon being satisfied that it is the desire and interest of said church, may cause the said parsonage to be sold in such mode and on such terms as it may deem proper, and the proceeds to be invested in other property for a parsonage, which it shall cause to be conveyed to the trustees of the church and their successors, to hold upon precisely the same trusts as are expressed in the conveyance of the present property.

1876.

Court may order sale.

Proceeds—how invested.

§ 2. The court may appoint a commissioner or one or more of the petitioners to make the sale and conveyance of the property and the reinvestment; but before authorizing the sale, it shall require such commissioner or petitioners to execute a covenant, with approved security, to the Commonwealth, to the effect that he or they (as the case may be) will well and truly perform all their duties under the orders of the court in said action; will faithfully collect, hold, account for, and pay over, as the court may direct, all the money arising from the sale, and will fulfill and obey all the orders of the court in said action. For a breach of any of the stipulations of this covenant, an action may be prosecuted in the name of the Commonwealth for the use of the church.

Commissioner appointed.

Bond required.

Penalty for failure.

§ 3. On payment of the purchase money the purchaser shall receive a conveyance of said parsonage free from the trusts created by the conveyance to the trustees.

§ 4. This act shall be in full force from its passage.

Approved January 27; 1876.

CHAPTER 58.

AN ACT authorizing the Boyd county court to issue the bonds of said county, and provide for the payment of the same, to build clerks' offices and repair the jail of said county.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that the clerks' offices for the county of Boyd are insufficient, and that the jail of said county is insecure for the safe-keeping of the prisoners confined in the same from term to term; therefore,

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Magistrates to
issue bonds.

Amount, and
when payable.

Interest on
bonds — when
payable.

Surplus may
be used for repair
of jail.

Levy authorized.

Sinking fund
created.

Distinct & sepa-
rate levy author-
ized.

§ 1. That the judge of the Boyd county court shall cause the magistrates of said county to be summoned to appear at the next March regular term of said court, or at such term of the Boyd county court thereafter as he may think proper; and when said justices or a majority shall be present, acting as a court, shall be authorized to issue the bonds of the said county, not to exceed eight thousand (\$8,000) dollars, payable not exceeding ten (10) years from date, bearing interest at the rate of eight (8) per cent. per annum from date, which bonds shall be issued and signed by the county judge of said county, and attested by the clerk of said county. The interest thereon shall be made payable annually; and the said court shall be authorized from said fund to build clerks' offices for the county and circuit courts for said county, on the public square in the town of Catlettsburg, with fire-proof vaults and make such contracts, payable in said bonds, or may discount the same at not over five (5) per cent. on the principal of said bonds; and said funds may be also used for the repairs of the jail of said county, after first providing for the completion of the said offices. The proceeds of said bonds shall not be used in any other manner.

§ 2. That the Boyd county court shall provide for the payment of said bonds and interest at the court of claims of said county each year, by a sufficient levy, until the interest and principal of said bonds shall be paid off, and for the purpose of discharging the principal and accrued interest on same may create a sinking fund.

§ 3. The Boyd county court, in order to make the payments of the bonds and interest authorized by this act, shall levy a tax at each court of claims for said county, a distinct and separate levy, which shall be kept separate and apart from other revenues of the county, not exceeding ten (10) cents on each one hundred (\$100) dollars' worth of property in said county, subject to taxation for State and county revenue.

§ 4. This act shall take effect and be in force on and after its passage.

Approved January 27, 1876.

CHAPTER 59.

1876.

AN ACT to incorporate the United Baptist Church, Brooksville, in Bracken county.

. Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That S. T. Powers, John A. Lee, Wm. Williams, Thomas Costigon, and E. Daum, jr., and their successors in office, be, and they are hereby, created a body-politic and corporate, by the name and style of "United Baptist Church, of Brooksville, Bracken county, Kentucky;" and by that name shall have perpetual succession and corporate existence, with all powers incident to such corporations, so far as it may be necessary to protect and preserve the rights, titles, and privileges and immunities of said church, which now belong to or may belong to said church; and to hold any property now in their possession and belonging to them, or which may be acquired by them for the benefit of said church; and said trustees, or their successors, shall have full power to sell, and by deed convey the property in whole or in part of said church, and reinvest the proceeds for the benefit of said church, as may be directed by a majority of the members thereof, at a meeting of the members held, after due notice, for the purpose.

§ 2. That in the event of a vacancy in said board of trustees, such vacancy shall be filled by the members of the church, in accordance with the usages of the Baptist Church.

§ 3. A majority of said trustees shall, at all times, constitute a quorum; and it shall be their duty to keep a fair record of their proceedings, and appoint all such officers as may be necessary and proper for comfort and convenience of said church and congregation, and for the preservation of their property, and to pass such by-laws and regulations, not inconsistent with the Constitution of this State and United States, as may deem proper.

§ 4. The said trustees, and their successors in office, in the name of "the United Baptist Church, of Brooksville, in Bracken county, Kentucky," may prosecute and defend all suits necessary and proper for collections due said church, and for all property and rights that may be due said church; and defend all suits instituted against them touching or

1876. effecting the same; and do and perform all other acts necessary to preserve the property of said church, and calculated to inure to its benefit.

§ 5. This act shall take effect from and after its passage.

Approved January 29, 1876.

CHAPTER 60.

AN ACT to amend "An act to amend and reduce into one the several acts in regard to the town of Catlettsburg."

WHEREAS, It is represented to this General Assembly that the board of trustees of the town of Catlettsburg has heretofore passed an ordinance, "to the effect that all steamboats and other crafts shall land at the public landing, between Main and Division streets, of said town, and at no other point within the incorporate limits of said town, except by the written consent of the wharf-master of said town, and for any violation of the same, the owners, controllers, or masters of any boat so violating shall be jointly and severally liable to pay a fine of ten (\$10) dollar for each offense, which may be recovered by warrant in any court having jurisdiction of the same;" and in order that the power of said trustees to pass such ordinances may be tested,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to amend and reduce into one the several acts in regard to the town of Catlettsburg, approved January 28th, 1868, be, and the same is, amended, that hereafter from all judgments rendered by the police judge of the town of Catlettsburg, or any other court in regard to the landing of any steamboat or other craft within the incorporated limits of the town of Catlettsburg, either upon the Ohio river or the Big Sandy river, in violation of any ordinance of said board now in force, or may hereafter be enacted, fixing a penalty against the owners or controllers or other person, for the landing within said corporate limits as aforesaid other than at the public landing between Main and Division streets, that either party, plaintiff or defendant, to such proceedings shall have a right to an appeal from said judgment to the circuit court of Boyd county, and from thence to the Court of Appeals, and

from any judgment of the circuit court to the Court of Appeals, without regard to the amount of the judgment or the amount in controversy, under the same rules and regulations in regard to appeals as now provided by law from said courts.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1876.

CHAPTER 61.

AN ACT for the benefit of the Bardstown and Louisville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of the Bardstown and Louisville Turnpike Road Company be, and are hereby, authorized to subscribe not exceeding two thousand dollars to the capital stock of Waterford Turnpike Road Company, and pay the same out of the dividends of said Bardstown and Louisville Road Company, and receive, hold, and draw dividends on the amount of stock subscribed: *Provided*, That said Waterford Road Company shall construct, within two years, a turnpike or gravel road from Waterford, Spencer county, to a point of intersection on the Bardstown and Louisville Turnpike Road south of toll-gate No. 4.

§ 2. That this act shall be in force from and after its passage.

Approved January 29, 1876.

CHAPTER 63.

AN ACT to legalize certain orders of the Gallatin county court of claims.

WHEREAS, At the October term, 1875, of the Gallatin county court (the presiding judge and a majority of the justices sitting and concurring), it was ordered by the court that an ad valorem tax of twenty-five cents on the one hundred dollars' worth of taxable property in the county be levied, for the purpose of liquidating the indebtedness of said county, created by erecting a court-house in the town of War-

1876. saw, bridge across Eagle creek, and other public improvements in said county ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all the acts on orders of the judge of said county, and the court of claims pertaining to the levy of the ad valorem tax aforesaid, held in their October term, 1875, be, and the same are hereby, legalized ; and said taxes shall be collected as the revenue proper of the State is now by law collected.

§ 2. And it shall and may be lawful for said county court of Gallatin (a majority of the justices of the peace of said county being present and concurring) to levy an ad valorem tax of twenty-five cents on the one hundred dollars' worth of taxable property in the county, at the term of the court when the county levy is made for the years 1877 and 1878.

§ 3. This act to take effect from its passage.

Approved January 31, 1876.

CHAPTER 64.

AN ACT to legalize certain acts of the Mercer county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the action of the Mercer county court at its January term, 1876, levying an ad valorem tax of thirteen cents on each one hundred dollars of taxable property in said county subject to taxation for State revenue purposes, for the purpose of paying off the indebtedness of said county for ordinary expenses, be, and the same is hereby, approved, and shall have the same effect as if fully authorized by law.

§ 2. This act to take effect from its passage.

Approved January 31, 1876.

CHAPTER 65.

1876.

AN ACT for the benefit of A. B. McGuire, Owsley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That A. B. McGuire, late circuit court clerk for Owsley county, be allowed the further time of two years to collect his fee bills, and may distrain for same; however, said A. B. McGuire shall be responsible for the collection of any fee bill that is illegal as the law now stands.

Allowed further time.

Proviso.

§ 2. This act to be in full force and effect from its passage.

Approved January 31, 1876.

CHAPTER 66.

AN ACT for the benefit of Perry Jefferson, late sheriff of Mason county, and his deputies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be, and the same is hereby, given to Perry Jefferson, late sheriff of Mason county, and his deputies, in which to collect, by distraint or otherwise, all uncollected back taxes of all kinds and fee bills due to said late sheriff and his deputies, respectively: *Provided*, That said sheriff shall be liable for collecting illegal fee bills and back taxes, as now prescribed by law.

Allowed further time.

Proviso.

§ 2. That said sheriff shall have authority to list said fee bills and back taxes with the constables of Mason county for collection, and said constables shall have power to collect the same in the same manner and under the same restrictions only as sheriffs now have by law, except they shall not have power to sell lands.

To list with constables.

Powers of same.

§ 3. This act shall take effect from and after its passage.

Approved January 31, 1876.

1876.

CHAPTER 67.

AN ACT for the benefit of R. W. Dickerson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the line of the Maxville and Pottsville districts be so changed that R. W. Dickerson, now a voter of the Pottsville district, be transferred to and included in the Maxville district.

§ 2. This act shall take effect from its passage.

Approved January 31, 1876.

CHAPTER 68.

AN ACT for the benefit of R. H. Morrow, sheriff of Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. H. Morrow, sheriff of Gallatin county, be allowed further time until the third Monday in February, A. D. 1876, to execute bond for the collection of revenue.

§ 2. This act to take effect from and after its passage.

Approved January 31, 1876.

CHAPTER 69.

AN ACT for the benefit of Thomas R. Hume and others, of Madison county.

WHEREAS, W. K. Oldham, Coleman Covington, A. W. Kavanaugh, Charles K. Doty, Abner Oldham, Thomas R. Hume, J. F. Doty, and W. H. Sale, of Madison county, entered as sureties on the bond given by C. K. Oldham for the collection of the revenue in Madison county for the year 1873; and whereas, said C. K. Oldham became insolvent, and failed to pay into the State Treasury all the revenue of that year, and the sureties aforesaid were compelled to pay about fifteen thousand dollars of the revenue aforesaid, which payment left nearly all of them insolvent; and whereas, interest has been charged against said sureties at the rate of ten per cent. per annum from June 1st, 1873, up to the time said revenue was paid into the Treasury; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky : 1876.

§ 1. That said W. K. Oldham, Thomas R. Hume, Coleman Covington's administrator, A. W. Kavanaugh, J. F. Doty, C. K. Doty, Abner Oldham, W. K. Oldham, and W. H. Sale, be, and they are hereby, released from the payment of interest on the revenue of Madison county for the year 1873, before the same was by law required to be paid into the Treasury.

§ 2. This act shall take effect from its passage.

Approved January 31, 1876.

CHAPTER 71.

AN ACT to legalize the acts of the Meade county court.

WHEREAS, During the absence of Wm L. Brashear, judge of the Meade county court, Henry Gough, clerk of said court, issued notices, which were executed by the sheriff of Meade county on the justices of the peace of said Meade county, to convene on the 15th day of November, 1875, for the purpose of electing a county judge; and the said justices did meet at the court-house in Brandenburg on the 15th day of November aforesaid, a majority of all the justices of the peace of said county being present and concurring therein, and proceeded to and did elect Blansit Shacklet county judge; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all acts done, judgments rendered, orders made by him as county judge, are hereby legalized and made as effectual as if done by the regularly elected judge.

§ 2. This act to be in force from its passage.

Approved February 1, 1876.

CHAPTER 72.

AN ACT for the benefit of the town marshal of Monterey, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the town marshal of Monterey, in the county of Owen, be, and the same is hereby, empowered to appoint a

1876. deputy on special occasions, when in his judgment it becomes necessary, to assist him in the discharge of his official duties ; and the marshal shall be responsible on his official bond for the acts of said deputy, provided the sureties of said marshal shall first consent in writing, and may take bond with surety from the deputy to himself for the faithful discharge of the duties of said deputy.

§ 2. This act to be in force from its passage.

Approved February 1, 1876.

CHAPTER 73.

'AN ACT for the benefit of Francis Adwell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriating
\$355. § 1. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of three hundred and fifty-five dollars (\$355) for the use and benefit of Francis Adwell, for the keeping of a pauper idiot by the name of Eliza Miller, from the 24th day of October, 1868, until the 13th day of April, 1875 ; and that the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer of this Commonwealth for the said sum of three hundred and fifty-five dollars in favor of the said Francis Adwell.

§ 2. This act to be in force from and after its passage.

Approved January 31, 1876.

CHAPTER 74.

AN ACT to amend an act, entitled " An act for the benefit of the public schools of the city of Louisville," approved January 31st, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Power to use surplus school fund. § 1. That the board of trustees of the public schools of the city of Louisville be, and they are hereby, authorized and empowered to use the surplus or balance remaining after the building of the school-houses for colored children provided for in an act, entitled " An act for the benefit of the public schools of the city of Louisville," approved January 31st,

1873, amounting to about the sum of forty-five hundred dollars, to the erection, purchase, or procuring of two other school-houses for colored children, to be situate, one in the eastern and one in the western part of said city of Louisville.

1876.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act to take effect from and after its passage.

Approved February 1, 1876.

CHAPTER 75.

AN ACT to incorporate Smith's Grove College, in Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. H. Smith, Wm. H. Cooke, David Kirby, Dr. T. B. Larue, T. E. McDaniel, Dr. J. Wooton, Dr. N. P. Allen, Meredith Cox, James W. Scrivenor, J. P. Cowles, N. P. Dillingham, and Geo. Wright, trustees of Smith's Grove Male and Female College, with William Wirt Beck as president and principal, be, and they are hereby, created a body-politic and corporate, to be known by the name of the president and trustees of Smith's Grove College; and by that name shall have perpetual succession, to sue and be sued in any court of law or equity; and shall have power, by their president, to acquire, purchase, and hold to himself any lands, tenements, goods and chattels, of any kind, or which they may now have, and may sell, dispose of, and convey the same at the pleasure of the president: *Provided*, The same are consistent with the laws and Constitution of this State. The present board of trustees shall hold their office for two years from the time of their appointment. The president shall have power to fill all vacancies in the board of directors, and to appoint new boards every two years.

Incorporators.

Powers.

Proviso.

Term of office.

Vacancy—how filled.

§ 2. The trustees shall have power to confer upon the pupils of said college any or all the diplomas or degrees conferred by the best colleges of this State, and the private seals or scrolls of the president and secretary of said board may stand in lieu of a corporate seal: *Provided*, That such honors shall be conferred only on the recommendation of president and principal of the college. The president shall have power to fix tuition fees, and to do and perform all the acts necessary

Honors—how conferred.

Proviso.

President—his powers.

1876. and expedient for the management of said school; and, in case of necessity, shall have power to appoint a college police.

§ 3. That there is authorized by this act to establish a literary society; government of, literary society by the name of Henry Clay. Said society shall have power to make by-laws for their government, with power to enforce fines and penalties for misbehavior; also, another literary society to be styled the Female H. H. Society, with same powers of the Henry Clay Society.

§ 4. That said college shall be exempt from taxation, including all school buildings, not to exceed five acres of real estate.

§ 5. The Legislature reserves the right to alter, amend, or repeal this charter at pleasure.

§ 6. This act to take effect from its passage.

Approved February 1, 1876.

CHAPTER 76.

AN ACT for the benefit of the public schools of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. For the purpose of enabling the board of trustees of the Male High School, the Female High School, and the public schools of the city of Louisville to build, enlarge, procure, repair, or purchase such school-house or school-houses as may be necessary or suitable in the various wards of said city for the use of white children, the general council of Louisville shall cause to be annually levied and collected a tax of eight cents on each one hundred dollars, worth of real estate and improvements and mixed property, and on such personal property, money, and choses in action, as shall exceed the owner's debts, now subject to taxation within the taxable limits of said city. Said tax when levied shall be passed to the credit of the school fund on the books of the city of Louisville, and shall be paid to the said board of trustees by the receiver of city taxes in the same manner that other funds belonging to said board are now paid over by said city.

Tax levied.

How credited
and paid.

§ 2. This tax shall only be levied annually for five years: *Provided*, That this tax shall only be levied for one year,

unless the voters of Louisville, at the next regular ensuing municipal election, order it to be continued; and it shall be the duty of the mayor and general council to submit the matter to the voters of Louisville at said time; and it shall be the duty of the officers of the election to ask each voter whether he votes for or against the school tax; and if a majority of those voting on this question vote in favor of said tax, then it shall be continued to be levied and collected for three years more by said general council.

1876.

§ 3. This act to be in effect from and after its passage.

Approved February 1, 1876.

CHAPTER 77.

AN ACT for the benefit of Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Lincoln county, a majority of the justices being present, may issue the bonds of said county to an amount not exceeding sixteen thousand dollars, at a rate of interest not to exceed eight per cent. per annum, for the purposes hereafter named: *Provided*, The bonds to be issued by this act shall not be sold for less than their par value.

Issue of bonds.

Proviso.

§ 2. That the proceeds of eleven thousand dollars of the bonds authorized to be issued by this act shall be used in paying off the indebtedness of said county, created for the erection of fire proof offices and repairing the court-house; and the proceeds of four thousand dollars of the bonds authorized by this act shall be used in the purchase of ground and buildings to be used as a poor-house: *Provided*, The remaining one thousand dollars may be used by the county court, in its discretion, in the erection of a work house at the county seat of said county.

Application of proceeds of bonds

Proviso.

§ 3. That the bonds which by the first section of this act are authorized to be issued may be in such amounts as the court may direct, and the bonds so issued shall be indorsed by the county judge and clerk in their official capacity, and when so indorsed and sold, shall be binding and valid upon said county.

Denomination of bonds.

Judge and clerk to indorse.

1876. § 4. That to enable the county court to pay off and discharge the principal and interest of the bonds which they are authorized by this act to issue, they are empowered to make a levy on the taxable property of said county a tax sufficient to pay off the principal and interest of the bonds issued by them under and by virtue of this act; such levy shall be made at the time the county court meets to make the county levy for other purposes, and when a majority of the parties are present.

§ 5. That the interest provided for in this act shall be payable annually on all the bonds issued by said court for the purposes set forth, at the Farmers' National Bank at Stanford, Kentucky, on the 1st day of January of each year, until said bonds are paid off.

Payment of interest—when and where.

§ 6. That said bonds shall be made payable in eight years, or at an earlier time, in the discretion of said court; and that the bonds so issued shall have interest coupons attached to the margin of each bond for each year that such bonds may have to run.

§ 7. That this act shall take effect and be in force from its passage.

Approved February 1, 1876.

CHAPTER 78.

AN ACT for the benefit of the sheriff and jailer of Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of R. H. Morrow, sheriff of Gallatin county, and Joseph Wilcher, jailer of Gallatin county, for the sum of thirty-three dollars and thirty cents (\$33 30), the same being the amount of expenses incurred in conveying Thomas Walker from Warsaw, Gallatin county, to Louisville, and delivering him to the United States Court, under a writ of *habeas corpus*.

Appropriating \$33 30.

§ 2. This act to take effect from its passage.

Approved February 3, 1876.

CHAPTER 79.

1876.

AN ACT for the benefit of John B. Ruark, of Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasury for the sum of three hundred and eight dollars and thirty-three cents, in favor of John B. Ruark, committee of Priscilla M. Ruark, a pauper lunatic of Hart county, Kentucky, for keeping said lunatic from the 28th of March, 1872, to the 15th of October, 1873, to be paid out of any money in the Treasury not otherwise appropriated.

Appropriating
\$308 33.

§ 2. This act to take effect from its passage.

Approved February 3, 1876.

CHAPTER 80.

AN ACT for the benefit of Samuel Orr, of Graves county

WHEREAS, Governor P. H. Leslie did, by proclamation of date of July 25, 1873, offer a reward of three hundred dollars each, for the arrest and conviction of a band of disguised men who burned the house of D. W. Galbraith, and shot L. M. Galbraith; and whereas, Samuel Orr did arrest one of them, to-wit, Hiram Bevis, and delivered him to the authorities of Graves county, by whom he was admitted to bail in the sum of five hundred dollars, and then fled the country, and thus avoided conviction; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Samuel Orr, for the sum of three hundred dollars, to be paid out of any money not otherwise appropriated.

Appropriating
\$300.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 3, 1876.

1876.

CHAPTER 81.

AN ACT to incorporate the Harrodsburg Library Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1 That Orpheus S. Poston, Charles A. Hardin, John C. Thompson, John B. T. Davless, Robert W. Sea, and Elizabeth Hardin, be, and they are hereby, created a body-politic and corporate, to be known and called "The Harrodsburg Library Association;" and by that name shall have perpetual succession, with full power to contract and be contracted with, sued and be impleaded, in all courts of law and equity, as a natural person; and to have and use a common seal, and to change and alter the same at pleasure; also to make a constitution, and all rules, by-laws, and regulations and conditions that they may think proper for the management and good government of said association and the conduct of its affairs and business, and to do all other acts and things not contrary to the Constitution of the United States and the Commonwealth of Kentucky; and the persons hereinbefore named are hereby authorized to organize and establish the said association upon any plan they may deem expedient, and to change and complete the same at pleasure; they may elect or appoint, in any manner they choose, such officers and agents as may be necessary to attend to the affairs and business of said company, and discharge or change them whenever they may deem it proper, and may fix their compensation, and prescribe their qualifications, powers, and duties; they may prescribe time and mode of their own succession, and to do all and every thing necessary to an efficient organization of said association.

§ 2. That said library association shall have power to acquire by purchase, or gift, or devise, and hold any estate, real, personal, or mixed, and to take, receive, and hold any goods, money, lands, or tenements, which may be given, granted, or devised to said association; and they may sell, dispose of, and convey the same according to the provisions of the by-laws which may be hereafter established by the incorporators or other members of the association.

§ 3. The said incorporators may, should a majority of them concur, transfer this charter to the joint stock company now in existence in Harrodsburg, Kentucky, known and

called the "Harrodsburg Library Association," should said last named association conclude to accept the same, and work under its provisions.

1876.

§ 4. And should the corporation hereby chartered permit the citizens of Kentucky who may visit its hall to use and enjoy the library belonging to said association free of cost, whilst said library is open, then no tax shall be imposed or collected on the hall and its furniture nor the library and periodicals of said association.

If free—no tax imposed.

Approved February 3, 1876.

CHAPTER 82.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March 16, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twenty-three (23) of the charter of the city of Frankfort, approved March 16, 1869, be amended so as to read as follows, to-wit: That the police judge of said city of Frankfort shall be elected at the same time and in the same manner as the Governor and Lieutenant Governor of this Commonwealth, and before entering upon the duties of his office shall be commissioned by the Governor of said Commonwealth, and take the constitutional oath, and an oath faithfully and impartially to discharge the duties of his office. He shall have jurisdiction, within the limits of said city, of all misdemeanors, of all actions for the violation of the city charter, ordinances, or by-laws, of all prosecutions for damages or injury to public buildings or property of the city. He may grant injunctions, writs of *ne exeat*, *habeas corpus*, restraining orders, and attachments, in the same manner as two justices of the peace; and in all criminal and penal cases he shall have the same jurisdiction as the laws now confer on two justices of the peace, and shall proceed in the same manner that justices of the peace are required to proceed in such matters. He shall have the same jurisdiction in civil matters and cases as a justice of the peace of the same magistrates' district, and shall hold regular quarterly terms of his court for the trial of all civil cases which may

Police judge.

How elected and commissioned.
Shall take oath.

Powers and jurisdiction.

Shall hold court quarterly for civil docket.

1876.

Power to receive
bail, &c.

Jurisdiction.

Warrants—how
prosecuted.

come before him—the times of which holding shall be fixed by him by an order entered on his civil docket. He shall have full power and authority to receive bail, and to receive the execution and acknowledgment of recognizances of bail and bail bonds in all cases originated or tried before him, in which bail is or may be required; and such recognizances and bail bond shall be in such form, and be returned in such manner, as is or may be prescribed by the several laws authorizing or requiring bail. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, breaches of the peace, unlawful assemblies, keeping disorderly houses, all cases of indecent or immoral behavior or conduct calculated to disturb the public peace within said city; over all cases of drunkenness, profane swearing, running horses, firing guns or pistols, making reports by burning powder, matches, or crackers, or other explosive substance or thing; blowing horns, flying kites, crying aloud by day or night, and all other riotous conduct whatever within said city, all of which are hereby declared to be misdemeanors; for carrying concealed weapons, and for selling liquor without license or to minors, or keeping a tippling-house, gambling within said city, and for all other penal offenses and misdemeanors occurring within said city; and in all such penal and misdemeanor cases the warrant or information shall run or be prosecuted in the name of the mayor and board of councilmen of the city of Frankfort; and the fines or other benefits resulting therefrom shall go to said city under the same restrictions of said city's liability for costs as are contained in the 24th section of said charter to which this is an amendment; and in all prosecutions before him the jury may assess a fine against each defendant in any sum not exceeding five hundred dollars (\$500), wherein a different penalty is not fixed by law, which, with all fees and costs, may be discharged in the work-house or on the streets, alleys, or work-house grounds of said city, at the rate of fifty cents per day; and the mayor and board of councilmen may by ordinance regulate the running and regulations of said work-house, and may, by such punishments as they may deem proper, enforce the same from the inmates thereof. And may by ordinance prescribe any punishment for an escape from said work-house, or the custody of the keeper thereof, of any person while

under sentence to confinement therein, or to labor as aforesaid, not to exceed double the fine remaining unsatisfied or double the unexpired sentence to confinement and labor. The police judge shall order the marshal to summon a jury in any case cognizable before him, when a jury would be required in a circuit court or a justice of the peace; and in all cases when the fine is or may not be fixed by law or ordinance, the same shall be ascertained by the verdict of a jury. He shall have power to issue summonses for witnesses in all cases pending before him, and to compel their attendance. He shall have the power to fine and imprison for contempt, without the intervention of a jury, provided each fine does not exceed ten dollars, and each imprisonment twelve hours. It shall be lawful for him to take depositions and certify the same to be read in any cause pending in any court in this Commonwealth. He shall keep a record of the proceedings in his court, a copy of which, duly certified, shall be evidence in all courts and have the same effect as copies of other records. The records and papers of his office shall be delivered by the police judge on the expiration of his term to his successor: *Provided*, That all trials before him shall be in the city of Frankfort: *And provided further*, That in all cases mentioned herein, which are made penal or misdemeanors by the general law of the State, and which are cognizable in the circuit courts, the jurisdiction of the police judge shall not be exclusive of, but concurrent with, the Franklin criminal court. All acts or parts of acts inconsistent herewith are hereby repealed.

1876.

Summons.

Power in cases of contempt.

May take deposition.

Shall keep record of proceedings.

Jurisdiction shall be concurrent with Franklin criminal court.

§ 2. This act shall take effect from and after its passage.

Approved February 3, 1876.

CHAPTER 83.

AN ACT for the benefit of school districts Nos. 18 and 44, of Henderson county.

WHEREAS, H. H. Farmer, common school commissioner of Henderson county, did report to the Superintendent of Public Instruction an erroneous number of children (two hundred less than should have been reported) for district No. 44, in said county; and whereas, said Farmer failed to obtain

1876. the report of district No. 18, in said county (which district contained seventy-six pupil children), in time for the same to legally receive its apportionment of public school funds; and, in consequence of these errors, the aforesaid districts receive upon their apportionment five hundred and twenty-four dollars and forty cents less than they should have received had a proper census been reported and in proper time; and whereas, there are several districts reported in the apportionment table in which it has been and will be impracticable to have schools taught; therefore, for the benefit and relief of H. H. Farmer and said districts,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriating
\$524 40.

§ 1. That the Superintendent of Public Instruction be, and is hereby, instructed to issue his warrant in favor of said districts for the amount of five hundred and twenty-four dollars and forty cents, to be paid out of any surplus school funds apportioned Henderson county for the scholastic year ending June 30, 1876.

§ 2. This act to take effect from its passage.

Approved February 3, 1876.

CHAPTER 84.

AN ACT for the benefit of the jailer of Trigg county.

WHEREAS, In the month of January, 1875, W. J. Waddle, a prisoner confined in the jail of Trigg county on a charge of forgery, made his escape therefrom without the fault of the jailer; and I. E. Edwards, the jailer of Trigg county, did offer a reward of \$100 for his arrest and return to said jail; and whereas, the said W. J. Waddle was arrested and returned to the said jail, and the said I. E. Edwards has paid the said \$100 reward, and the said Waddle has since been convicted, and is now in the penitentiary; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriating
\$100.

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of I. E. Edwards for one hundred dollars, to be paid

out of any money in Treasury not otherwise appropriated.

1876.

§ 2. This act shall take effect from its passage.

Approved February 4, 1876.

CHAPTER 85.

AN ACT for the benefit of J. J. Nesbitt, executor of Wm. Richards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of J. J. Nesbitt, executor of Wm. Richards, for two hundred and thirteen dollars and eighty cents (\$213 80), being for allowance to Alsey Jones, Maranda Fields, Frank Summers, and Cortez Bedoll, idiots, from March 1st, 1875, to November 20, 1875, to be paid out of any money in the Treasury not otherwise appropriated.

Appropriating
\$213 80.

§ 2. This act to take effect from its passage.

Approved February 4, 1876.

CHAPTER 86.

AN ACT for the benefit of Leonard Weitmeir, of Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be instructed, and is hereby authorized, to draw his warrant on the Treasurer for the sum of twenty-eight dollars, in favor of Leonard Weitmeir.

Appropriating
\$28.

§ 2. This act to take effect from its passage.

Approved February 4, 1876.

CHAPTER 87.

AN ACT for the benefit of G. W. Taylor, late sheriff of Hancock county, and his sureties.

WHEREAS, It is represented to this General Assembly that G. W. Taylor, late sheriff of Hancock county, did make default in the payment of the State revenue for the year 1874; and whereas, judgment for the sum of six thousand six

1876. hundred and eight dollars and ninety cents was rendered against said Taylor and his sureties in the Franklin circuit court, at the — term, 1875, of said court; and whereas, said Taylor and his sureties are represented as being perfectly good and solvent for said amount due the State, and that no risk will be incurred by delay in the collection thereof; and whereas, in the present stringency of the times it will work great hardship on said Taylor and his sureties for the enforcement of said judgment to be made now, causing immense sacrifice in their property and estate; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the said Taylor and his sureties have the further time of two years from the approval of this act to pay and cancel said judgment.

§ 2. That all proceedings for the enforcement of said judgment for said sum of six thousand six hundred and eight dollars and ninety cents as aforesaid be stayed for the said time of two years from the approval of this act: *Provided*, That said sureties, each and all of them, shall, in writing, within thirty days from the approval of this act, consent to the stay of said proceedings as provided in this act, and shall within thirty days file such written agreement in the office of the Auditor of Public Accounts. Said written agreement shall be signed and acknowledged by said sureties before some justice of the peace or notary public, who shall officially attest the same: *Provided, also*, That said sheriff and his sureties secure said indebtedness by the execution of a replevin bond for the amount due, with good and approved security, bearing interest from date, and due in two years from date, on which execution may issue if not paid at maturity.

§ 3. This act to take effect from and after its passage.

Approved February 4, 1876.

CHAPTER 89.

1876.

AN ACT for the benefit of Wm. Williams, late county and circuit court clerk for Owsley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That William Williams, late county and circuit court clerk of Owsley county, have the further time of two years from the passage of this act in which to collect his fee bills, and they shall have the same distrainable effect from and during said period that is now provided by law for the collection of fee bills, and subject to the same liabilities as now prescribed by law for illegal fee bills.

Allowed further time.

§ 2. This act shall take effect from and after its passage.

Approved February 4, 1876.

CHAPTER 91.

AN ACT for the benefit of James Wallace, late sheriff of Christian county.

WHEREAS, James Wallace, late sheriff of Christian county, has long since paid into the State Treasury all the revenue due the State from him, together with all interest that may have accrued thereon ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the penalty of five (5) per cent. assessed and charged against the said James Wallace, late sheriff of Christian county, by the Auditor, on the revenue for the year 1871, be, and the same is hereby, released, and the account of the Commonwealth against said Wallace shall be credited by the Auditor by the amount of said five per cent. penalty so charged and assessed: *Provided*, This penalty so remitted shall not exceed the sum of one hundred and seventy-eight dollars and thirty-seven cents.

Release of penalty.

Proviso.

§ 2. This act shall take effect from and after its passage.

Approved February 4, 1876.

1876.

CHAPTER 93.

AN ACT for the benefit of M. C. Rowland, sheriff of Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Allowed further
time.

Proviso.

§ 1. That M. C. Rowland, sheriff of Marshall county, Kentucky, is hereby allowed further time until the 1st day of August, 1876, to pay in his revenue, instead of the 1st day of April, as now required by law: *Provided*, That this indulgence shall not take effect until the sureties of said sheriff enter their consent to the same in the Marshall county court, and agree to remain bound as said sureties.

§ 2. This act shall take effect from its passage.

Approved February 4, 1876.

CHAPTER 94.

AN ACT for the benefit of school district No. 51, in Greenup county.

WHEREAS, The late common school commissioner of Greenup county, S. H. Walcott, by mistake, in adding up the census enumeration of children in district No. 51, in said county, for the school year ending June the 30th, 1875, failed to report the proper number to the Superintendent—reporting 22 instead of 62 children—thereby causing a deficit of the public money drawn by said district of one dollar and ninety-three cents each for forty scholars, amounting to the sum of seventy-seven dollars and twenty cents; and whereas, the trustee of said district has employed a teacher to teach the public school for the agreed compensation of the public money due a district of sixty-two scholars, and by mistake of the commissioner the said district only drew for twenty-two scholars; now, to remedy this mistake and to compensate the teacher who has taught the school for the full term of five months, as required by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the school commissioner of Greenup county is hereby authorized to draw his warrant on the Auditor for the amount of the deficit, seventy-seven dollars and twenty cents, which draft, when countersigned by the Superintendent of Public Instruction, shall entitle said commissioner to a war-

rant on the Treasurer for said amount, to be paid out of the interest due on the Greenup county surplus bond for the school year ending June the 30th, 1877, which, when collected, he shall pay over, on the order of the trustee of said district No. 51, to the teacher thereof, to whom it is rightfully due, and make report in his first settlement thereafter with the county judge.

1876.

§ 2. This act shall take effect from its passage.

Approved February 4, 1876.

CHAPTER 96.

AN ACT for the benefit of Laurence K. Stiffy, of Barren county.

WHEREAS, Laurence K. Stiffy taught the common school in district No. 37, of Barren county, for the school year ending June 30th, 1874, under a license procured for the preceding year and supposing it was valid for the succeeding year, and taught both years to the acceptance of the patrons of the same district; and whereas, the county commissioner properly decided the invalidity of said license for the second year, thus depriving said Stiffy of pay for services acceptably rendered in the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the presentation of the claim, properly certified by the trustee of said district, to the commissioner of Barren county, he be authorized to draw his draft upon the Treasury for the sum of forty-one dollars, that being the amount apportioned said district for the school year ending June 30th, 1874, which, when approved and countersigned by the Superintendent of Public Instruction, shall entitle said Stiffy to the Auditor's warrant upon the Treasurer for said amount, to be paid out of the interest of the Barren county surplus bond for the year ending June 30th, 1877.

Appropriating
\$41.

Payable out of
interest on coun-
ty bond.

§ 2. This act shall take effect from its passage.

Approved February 4, 1876.

1876.

CHAPTER 97.

AN ACT to change the time of holding the quarterly courts of Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter the quarterly courts of Pendleton county shall be held on the 2d Monday in the months of February, May, August, and November in each year, commencing on said days, and continuing until all the business is disposed of.

§ 2. This act to take effect from and after its passage.

Approved February 4, 1876.

CHAPTER 98.

AN ACT to amend section 6, article 31, chapter 29, General Statutes, for the benefit of J. P. Nuckols, of Barren county.

WHEREAS, J. P. Nuckols, a licensed attorney at law, and is also clerk of Barren county court, and because of said clerkship he is prohibited from practicing law in all the courts of this Commonwealth; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Allowed to practice.

Proviso.

§ 1. That J. P. Nuckols be, and he is heroby, excepted from the operation and provisions of said section 6 of article 31, chapter 29, so as to allow him to practice his profession in all the courts of this Commonwealth, except the court of which he is clerk for the time being: *Provided*, That no partner of said Nuckols shall be allowed to practice in the court of which said Nuckols is clerk.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 4, 1876.

CHAPTER 99.

1876.

AN ACT to continue in force an act approved February 3d, 1874, for the benefit of W. L. Crumbaugh, late sheriff of Lyon county.

WHEREAS, The General Assembly did, at the term of 1873-'4, pass an act allowing W. L. Crumbaugh, late sheriff of Lyon county, to distrain for taxes for two years therefrom; and whereas, the financial condition of said county has been such that said Crumbaugh could not have collected what was due him without greatly oppressing many persons in said county; and whereas, said W. L. Crumbaugh did, promptly at the time required by law, pay the entire State revenue, county levy, and railroad tax, thereby exhausting his private means; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act approved February 3, 1874, entitled "An act for the benefit of W. L. Crumbaugh, late sheriff of Lyon county," be, and the same is hereby, continued in force for the further time of two years.

§ 2. This act shall take effect and be in force from and after February 3, 1876.

Approved February 4, 1876.

CHAPTER 100.

AN ACT for the benefit of Elizabeth Durham, of Green county.

WHEREAS, It appears that J. J. Durham, deceased, late sheriff of Green county, has fully paid off all the claims against him as collector of the county levy, State revenue, and railroad taxes, to those authorized by law to receive the same, and obtained a full discharge against all the claims against him by virtue of his said office of late sheriff of Green county; and it further appearing that divers persons are indebted to the said J. J. Durham, deceased, for arrearages of the county levy, revenue, and railroad taxes, which fell due during his official term, and for which he was responsible; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Elizabeth Durham, executrix of J. J. Durham, deceased, shall have the further time of two years from the first

1876. day of April, 1876, to collect, levy, and distrain for any taxes due to the said J. J. Durham, deceased, and for which the said J. J. Durham, deceased, has paid over or accounted for, with all the powers and rights to enforce payment of said taxes that are powers conferred upon sheriffs by the laws of this Commonwealth; but the said Elizabeth Durham and the sureties on the official bond of said J. J. Durham shall be liable for any injury sustained by the tax-payers by reason of any illegal seizure or proceedings under this act.

§ 2. That the said Elizabeth Durham, executrix of J. J. Durham, deceased, shall have the further time of two years from the first day of April, 1876, to collect and distrain for any uncollected fee bill due the said J. J. Durham, as late sheriff of Green county, or due him as late judge of Green county, subject to all the penalties now in force for the illegal issuing and collecting of fee bills.

§ 3. That this act shall take effect and be in force from and after the first day of April, 1876.

Approved February 5, 1876.

CHAPTER 101.

AN ACT to repeal chapter 332 of Session Acts of 1873, and chapter 248 of Session Acts of 1873-'4.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 332 of Session Acts of 1873, and chapter 248 of Session Acts of 1873-'4, be, and the same are hereby, repealed; and that the Hickman circuit court and the Hickman court of common pleas shall respectively have the same jurisdiction to try and determine all causes now pending in either court, or that may hereafter be instituted in either of said courts, the same as if neither of said chapters had ever been enacted.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 5, 1876.

CHAPTER 102.

1876.

AN ACT giving the assessor of Trigg county one month additional time to return his books.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the assessor of Trigg county shall have one month additional time to return his books.

§ 2. This act to take effect from its passage.

Approved February 5, 1876.

CHAPTER 103.

AN ACT for the benefit of John Lay, sheriff of Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That further time until the first day of June, 1876, is hereby granted John Lay, sheriff of Knox county, to pay into the Treasury of the State the revenue of said county for the year 1875, instead of the first day of April, as now required by law : *Provided*, That before this act takes effect the sureties on the bond of the sheriff shall enter their consent to this act on the record of the Knox county court.

Allowed further time.

Proviso.

§ 2. This act shall take effect from its passage.

Approved February 5, 1876.

CHAPTER 104.

AN ACT to amend the charter of the Lebanon and Perryville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Lebanon and Perryville Turnpike Road Company be so amended as not to require said road company to make said road wider than it is at present ; and it shall be lawful to collect the present rate of tolls without any addition to the width of the road.

§ 2. This act to take effect from its passage.

Approved February 5, 1876.

1876.

CHAPTER 105.

AN ACT to amend an act to charter the town of Kuttawa, in Lyon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Trustees. § 1. That Charles Anderson, Andrew J. Martin, A. Judson Conant, Robert F. Dulaney, and William A. Wright, are hereby appointed trustees of said town of Kuttawa, as successors of the former trustees, whose terms of office have expired by the limitation of the said charter, and that they

Term of office. may hold their respective offices until the regular election on the first Monday of April next, and until their successors shall be duly elected and qualified.

§ 2. That the plat and survey of said town, heretofore made in pursuance of said act, and recorded in the Lyon county clerk's office, is hereby made and declared to be the lawful plat and survey of said town ; and all deeds and conveyances heretofore made, with references thereto, shall be held and deemed valid in that respect.

Approved February 5, 1876.

CHAPTER 106.

AN ACT to amend an act to amend the charter of Fisherville and Buck Creek Turnpike Company, in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act of the General Assembly, approved March 25, 1873, amending an act chartering the Buck Creek and Fisherville Turnpike Road Company, be, and the same is hereby, amended so as to provide that the land-holders and renters included within the boundaries mentioned in the same act shall elect for themselves whether or not they will work on the said turnpike or county road, and such election shall govern the hands in their employ.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 5, 1876.

CHAPTER 107.

1876.

AN ACT to amend the charter of the Lebanon, Barbour's Mill and Mackville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Lebanon, Barbour's Mill and Mackville Turnpike Road Company shall have full power to erect and keep a toll-gate at or between said Barbour's Mill (now Vanarsdall's) and the gate nearest Lebanon, and charge the same toll at such gate as is charged at the other gate on said road.

§ 2. That all the provisions of the original charter of said company, or any amendments thereunto, which allows persons going to, or returning from mill, to pass over said road free of toll, be, and the same are hereby, repealed, and said company is hereby given full powers to charge and collect the same tolls from such persons as from other persons passing over said road.

§ 3. This act shall take effect from its passage.

Approved February 5, 1876.

CHAPTER 110.

AN ACT for the benefit of the Farmers and Drovers' Insurance Company, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Farmers and Drovers' Insurance Company, of Louisville, is hereby exonerated and released from payment of tax on the capital stock of said company, under section 42, fire insurance law, for that proportion of the year 1874, from the 10th day of January to the 18th day of May of said year: *Provided*, That said company shall pay the fees and costs of a suit now pending against them in the Franklin circuit court for the taxes due for said year.

Release from
payment of tax.

Proviso.

§ 2. This act to take effect from and after its passage.

Approved February 5, 1876.

1876.

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Term of office. may hold their respective offices until the regular election on the first Monday of April next, and until their successors shall be duly elected and qualified.

§ 2. That the plat and survey of said town, heretofore made in pursuance of said act, and recorded in the Lyon county clerk's office, is hereby made and declared to be the lawful plat and survey of said town ; and all deeds and conveyances heretofore made, with references thereto, shall be held and deemed valid in that respect.

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§ 2. That all the provisions of the original charter of said company, or any amendments thereunto, which allows persons going to, or returning from mill, to pass over said road free of toll, be, and the same are hereby, repealed, and said company is hereby given full powers to charge and collect the same tolls from such persons as from other persons passing over said road.

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Release from
payment of tax.

Proviso.

§ 2. This act to take effect from and after its passage.

Approved February 5, 1876.

1876.

CHAPTER 111.

AN ACT to incorporate the town of Arlington, in the county of Ballard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the town of Arlington, in Ballard county, the partial plat of which was formerly recorded in the county clerk's office in the town of Blandville as Nevill, with the following boundary: That there shall be planted or located a stone or post at the crossing of the centers of the streets known as Walnut and Third streets, near where Bayles & Bro.'s stable now stands, which shall designate the center of said town; and the boundary lines shall extend one fourth ($\frac{1}{4}$) of a mile from said point towards the four points of the compass, making one half mile square.

Trustees.

§ 2. That P. G. Cotton, H. L. Wiley, W. B. McKay, T. N. Holt, and Willis L. Ringo, be, and they are hereby, appointed trustees of said town, who shall choose one of their body as chairman, and a majority shall constitute a quorum to do business; and they shall remain in office until the first Saturday in May, 1876, and upon which day, and upon the first Saturday in May in each succeeding year thereafter, the male citizens of said town entitled to vote for representatives of the General Assembly of the age of twenty-one years, shall meet at such place as shall be designated by the trustees of said town, and choose five persons by vote *viva voce* to serve as trustees of said town for one year, and until their successors are duly elected and qualified.

Term of office.

When elected.

Qualified voters.

§ 3. That all citizens living in the town who are qualified to vote and hold office under the Constitution and laws of Kentucky, are entitled to vote and hold office in said town.

Police judge and town marshal—when elected—term of office.

§ 4. A police judge and town marshal shall be elected by the qualified voters of said town on the first Saturday in May, 1876, who shall hold their office until the next regular election of county judge and sheriff of said county, at which time the said officers shall be elected for the same time as the aforesaid county officers.

Shall take cat's and give bond.

§ 5. Said officers, including the trustees, shall, before they enter upon the duties of their office, take the oath prescribed by law, and the marshal shall execute bond in the county court, with approved security, conditioned for the faithful discharge of his duty.

§ 6. Said police judge shall have concurrent jurisdiction with justices of the peace in the Arlington voting precinct, in all criminal and penal cases, and to charge the same fees for services as justices of the peace are allowed to charge. The marshal shall have concurrent jurisdiction with constables of Ballard county, and charge the same fees for their services.

1876.

Jurisdiction of police judge.

Jurisdiction of town marshal.

§ 7. The trustees are empowered to pass such by-laws and enact such regulations as may necessary for the good government and well-being of said town, not in contravention with the Constitution and laws of the Commonwealth, and to fill any vacancy in any office created by this act that may occur.

Powers of trustees.

§ 8. Said trustees shall have power to levy a tax on all persons living in said town, or owning property in the corporate limits, not exceeding twenty five cents on the one hundred dollars' worth of property, ad valorem; also the power to impose a poll-tax of not over one dollar on each male citizen over the age of twenty-one years, all to be applied to meet the expenses incident to incorporation, such as payment of salaries, street repairs, &c.; and all fines and forfeitures are to be applied by the trustees in such manner as will be beneficial to the town.

Levy of tax.

§ 9. The board of trustees shall consist of five members, one of the members to act as chairman, and one as clerk, and they shall keep a record of their proceedings, and such proceedings shall be subject to the inspection of the citizens at any time, and all by-laws or ordinances passed by the trustees shall be posted up by them in not less than three public places in said town, and not less than ten days before the same shall take effect.

Shall keep record of proceedings.

Notice of by-laws and ordinances to be given.

§ 10. The trustees shall have power to procure by purchase or otherwise a lot of ground on which to build a guard-house, and to build said house by subscription or otherwise, for the keeping of prisoners, under the same rules and regulations as govern the county jail; said guard-house to be kept by the marshal, who shall have all the privileges and compensation allowed the keeper of the Ballard county jail for like services.

Shall build guard-house.

Marshal to keep same.

§ 11. The said trustees may sue and be sued, in their corporate capacity, in the name of the trustees of the town of Arlington.

May sue and be sued.

§ 12. This act shall take effect from and after its passage.

Approved February 5, 1876.

1876.

CHAPTER 113.

AN ACT for the benefit of James Wilson, of Bell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer of the State in favor of James Wilson, committee of Nathaniel Wilson, an idiot of Bell county, for the sum of forty-three dollars and seventy-five cents, to be paid out of any money in the Treasury not otherwise appropriated, it being the amount due the said James Wilson, committee as aforesaid, for maintenance of said idiot from October, 1874, to May, 1875, and pay refused by Auditor because no copy of the inquest could be filed, the same having been destroyed.

Appropriating
\$43 75.

§ 2. This act shall be in force from and after its passage.

Approved February 5, 1876.

CHAPTER 114.

AN ACT for the benefit of R. N. Walker, late sheriff of Crittenden county.

WHEREAS, R. N. Walker, late sheriff of Crittenden county, has paid into the Treasury of the State all the taxes due from Crittenden county for the year 1870 and the year 1871; and whereas, owing to the failure of crops of his said county for said years, and the tax-payers thereby rendered unable to pay their taxes for said years, making it necessary for said Walker to advance money to save his people from distress; and whereas, said taxes and many fees are still unpaid by the citizens of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of two years be allowed said R. N. Walker in which to collect the taxes and fees, under the same authority and obligations existing before the expiration of time now allowed by law for such purposes.

Further time
to collect taxes.

Approved February 5, 1876.

CHAPTER 115.

1876.

AN ACT to amend an act, entitled "An act to incorporate the Louisville Law Library Company," approved February 8, 1839.

WHEREAS, The stockholders of the Louisville Law Library Company did, in the year 1870, mutually agree that from that time the capital stock of said company should be divided into shares of twenty-five dollars (\$25) each, and that the said company should issue to each shareholder, holding one share of stock of the face value of one hundred dollars (\$100), a certificate of stock for three shares of the face value of twenty-five dollars (\$25) each; and that the said company should sell shares of capital stock of the face value of twenty-five dollars (\$25) each; and the holder of any such share of stock should be a shareholder and have all the rights of such shareholder; and whereas, under said agreement certificates of stock have been issued, and shares of stock have been sold; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the capital stock of said company shall be divided into shares of twenty-five dollars (\$25) each; and that the stock may be increased from time to time, as the president and managers may think proper, by the sale of new shares of stock of the face value of twenty-five dollars (\$25) each, at not less than par. All the provisions of the act to which this act is an amendment in reference to shares of stock, and the holders thereof, shall apply to the shares of stock, and the holders thereof, in said company, notwithstanding the change in the face value of said stock.

Shares \$25 each.

May be increased, and how.

§ 2. That so much of the act to which this is an amendment as provides that the annual assessment on the share shall not exceed twenty per cent. is hereby repealed; and in stead thereof, it is enacted that said assessment shall not exceed ten dollars (\$10) per annum on each shareholder, and shall be payable semi-annually in advance; and payment thereof may be enforced, and the said assessment collected, as provided in the act to which this is an amendment; and that said assessment shall be made upon each shareholder so that each shareholder shall pay the same sum, without regard to the number of shares of capital stock owned by him; but

Assessment not to exceed \$10 on each shareholder.

When payable and how collectable.

1876.
Proviso.

said company may by its by-laws exempt classes of shareholders from assessment.

Approved February 5, 1876.

CHAPTER 116.

AN ACT to legalize the collection of toll on the Owenton and Ross Mill Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Power to collect
toll.

§ 1. That the president and directors of the Owenton and Ross Mill Turnpike Company be, and they are hereby, empowered to collect tolls on the whole extent of said turnpike road, from the corporate limits of Owenton to the south end of the Sparta bridge, including the approach to the bridge recently constructed by said turnpike company.

Present grade
legalized, &c.

§ 2. That the present grade of said road be, and the same is hereby, legalized, so far as to authorize the collection of tolls, notwithstanding the same at two points exceeds the grade of three degrees allowed by the charter of said company.]

§ 3. That this act take effect from and after its passage.

Approved February 5, 1876.

CHAPTER 117.

AN ACT to change the time of holding justices' courts in Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the time of holding justices' courts in Washington county be changed from the months of March, June, September, and December to the months of January, April, July, and October, in which said courts shall hereafter be held.

§ 2. This act to take effect from its passage.

Approved January 5, 1876.

CHAPTER 118.

1876.

AN ACT to amend an act, entitled "An act to incorporate Jerusalem Lodge, No. 9, Ancient York Masons, of Henderson," approved January 9, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Lodge is hereby authorized to erect a building in the city of Henderson, to be known as the "Masonic Temple," and to rent out and collect the rents for such portions of said building as it may deem proper; and to enable the said lodge to erect the said building, it is hereby authorized to issue its bonds to an amount not exceeding thirty thousand dollars. Said bonds shall be of denominations not less than twenty-five dollars, nor more than one thousand dollars each; and shall bear not exceeding ten per cent. interest, payable semi-annually at the Henderson National Bank, Henderson, Kentucky, for which coupons shall be thereunto attached; and the principal of said bonds shall be payable in twenty years from their date, but they may be redeemed at the pleasure of said lodge, in the order of their issue, after the expiration of five years from their date. The said bonds shall be signed by the master, and attested by the secretary, of said lodge, and shall have its corporate seal affixed to them, and the coupons shall be signed by the secretary of said lodge.

§ 2. The said building and the ground on which it is erected, and any insurance thereon, shall be bound for the payment of said bonds and their interest, and a lien in the nature of a mortgage shall exist thereon for that purpose, which shall be prior to any and all other claims or encumbrances; and the rents which may accrue therefrom, after payment for insurance, taxes, and necessary repairs, shall be applied to the payment of the interest and the principal of said bonds; and the said lodge is authorized to create a sinking fund out of any excess of rents after payment of interest, and any other revenues, for payment of the principal, or the redemption of said bonds; and the said bonds and building shall be exempt from taxation, except by the Commonwealth of Kentucky.

§ 3. This act shall take effect from and after its passage.

Approved February 5, 1876.

Power to erect building.

Authority to issue bonds.
Denomination of same.

When principal payable.
When redeemable.

How signed.

Bonds secured by building, &c.

Rents—how applied.

Sinking fund created.

1876.

CHAPTER 119.

AN ACT to repeal chapter 579 of the acts of 1873 and 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That chapter 579 of the acts of 1873 and 1874, entitled "An act to prevent the selling or giving of spirituous liquors within two miles of the academy of E. J. Murphy, in Pembroke, Christian county," approved February 23, 1874, be, and is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved February 5, 1876.

CHAPTER 121.

AN ACT for the benefit of James P. Webb, of Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That James P. Webb, sheriff of Grant county, be, and he is hereby, given until the February term of the Grant county court (1876) to execute his bond for the collection of the State revenue for said year.

Further time to
execute bond.

§ 2. This act shall take effect from its passage.

Approved February 8, 1876.

CHAPTER 122.

AN ACT to authorize the jailer of Trigg county to appoint a deputy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. E. Edwards, jailer of Trigg county, be, and is hereby, authorized and empowered to appoint a deputy jailer for said county.

§ 2. Before said deputy shall proceed to execute the duties of his office, he shall take the oath required to be taken by the jailer, and the jailer shall be responsible on his bond for all the official acts of said deputy: *Provided*, That the sureties of said jailer shall first file in the Trigg county court their written consent thereto.

Deputy shall
take oath.

§ 3. This act shall take effect from and after its passage.

Approved February 8, 1876.

CHAPTER 123.

1876.

AN ACT to amend an act incorporating the Walnut Street Christian Church, of Louisville, approved February 19th, 1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Walnut Street Christian Church, of Louisville, Kentucky," approved February 19th, 1848, be, and the same is hereby, so amended, that wherever in the first or other sections of said act the words "Walnut Street Christian Church, of Louisville, Kentucky," appear, the same shall be, and are hereby, changed to "First Christian Church, of Louisville, Kentucky;" and all the property now owned and held by said corporation as the "Walnut Street Christian Church, of Louisville, Kentucky," is hereby vested in and shall be held and owned by said corporation as and in the name of the "First Christian Church, of Louisville, Kentucky."

§ 2. Said corporation may receive by gift, buy, hold, and own real estate for church purposes, and sell and convey the property now owned or hereafter acquired absolutely, or it may mortgage the same, and issue bonds thereon secured by mortgage, with interest coupons attached, or execute such other evidences of such loan or loans, in such form as may be deemed advisable.

§ 3. This act shall take effect from its passage.

Approved February 8, 1876.

CHAPTER 124.

AN ACT for the benefit of W. B. Withers, sheriff of Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized, in making his settlement with W. B. Withers, sheriff of Lincoln county, for the collection of the revenue for 1874, to allow said sheriff eight per cent. on the amount of revenue collected by him for 1874.

Eight per cent.
allowed on col-
lection.

§ 2. That this act take effect and be in force from its passage.

Approved February 8, 1876.

1876.

CHAPTER 125.

AN ACT for the benefit of the Louisville Daily Globe and Louisville Daily Commercial.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That publications, notices, and advertisements which are or may be authorized or required to be published, inserted, or advertised in any newspaper or newspapers published in the city of Louisville, or in the county of Jefferson, in this State, by or under any general or special law or statute of the Commonwealth, or by or under the charter or any ordinance of the city of Louisville, are hereby authorized to be published, inserted, or advertised in the Louisville Daily Globe and Louisville Daily Commercial; and all legal advertisements are hereby authorized to be published in said newspaper, with the same effect in all respects as if published in any other newspaper published in said city or county.

§ 2. This act to take effect from its passage.

Approved February 8, 1876.

CHAPTER 126.

AN ACT to incorporate the "Paducah Water Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. S. Ratcliff, Jo. W. Thompson, Geo. Oelschlager, Jno. Sinnott, Jno. A. Miller, J. W. Sauner, and L. M. Flournoy, their associates and successors, are hereby made a corporation or body-politic, by the name of "The Paducah Water Company," with power and authority to construct and establish in or near the city of Paducah, Kentucky, water-works for the purpose of supplying said city and its inhabitants with water.

§ 2. The capital stock of said company shall consist of not more than five thousand shares of one hundred dollars each.

§ 3. The affairs of said corporation shall be managed by six directors and a president, all of whom shall be stockholders, and a majority of them shall be citizens of Kentucky; they shall be chosen annually by the stockholders at

Officers—how
and when elected.

such time and place as may be designated by a by-law of the company; the board of directors shall fill vacancies in their board, and appoint a president, who shall be a stockholder; they may appoint such other officers and agents as may be necessary to conduct the business of the company. The directors shall hold their offices until their successors are elected and qualified; a majority of them shall be a quorum for the transaction of business. At all elections the stockholders may vote in person or by proxy authorized in writing, and each share of one hundred dollars shall entitle the holder thereof to one vote.

1876.

Vacancy in
board—how filled

Term of office
of directors.

§ 4. The said company may purchase, take, and hold in fee-simple, or for any less estate, any lands necessary for the object of its incorporation or for the convenient management of the affairs of the company. The corporation may acquire the right to lay pipes and aqueducts through any lands through which it may be necessary to lay the same, and to make needed repairs on the same. The company may erect such buildings, engines, machinery, and reservoirs as may be required for its use and purpose. If the owners or proprietors of any lands which the company may need for the purposes aforesaid, or the right of way through which the company may require for laying its pipes and aqueducts, do not agree with the company the price to be paid therefor, the company may acquire such land or right of way by a writ of *ad quod damnum* in the same way and manner that turnpike road companies are authorized to do by the General Statutes.

May hold real
estate.

Right to lay
pipes, &c.

May erect
buildings, &c.

May acquire
right of way.

§ 5. The company is hereby authorized to take water from the Ohio and Tennessee rivers, or any other stream, and lay its pipes and aqueducts under or over any railroad, canal, highway, street or wharf; but the same shall be done in such way and manner as not to obstruct or impede the passage thereon. In laying its pipes or aqueducts across or through any highway or street, and in repairing such pipes or aqueducts from time to time, the company shall not unnecessarily obstruct such highway or street; and in case of the removal of any earth or pavement in any such highway or street, the company shall cause the earth to be replaced and the pavement to be made new, so that such highway or street shall be in as good condition as it was before such removal.

Water supply
—how obtained.

Proviso.

1876.

Terms of furnishing water.

§ 6. The company shall furnish water to the city of Paducah for the extinguishment of fires and cleansing of the streets, upon such terms as may be agreed on between it and the mayor and council of said city. It may furnish water to the inhabitants of said city by means of pipes or aqueducts, or otherwise, if the said city, by its mayor and common council, agree thereto, and for such time and on such terms as may be agreed on by the company and the city. In the laying and construction of pipes and aqueducts in the city of Paducah, the same shall be so laid and constructed that an abundant supply of water can be drawn therefrom for the extinguishment of fires; and unless so laid and constructed, the city of Paducah may forbid and prohibit the laying and construction of such pipes and aqueducts.

May sell privilege, &c.

Rules & regulations published.

§ 7. The company is hereby authorized to sell the privilege of using the water conducted through its pipes and aqueducts to any corporation or person, and may make all reasonable rules and regulations as to the manner and time in which said water may be taken and used, and for the preventing of waste thereof; such rules shall be published for four weeks every year, in some daily paper published in Paducah, Kentucky; and if any person shall violate said rules or commit any waste of water, he shall be liable to said company in the sum of twenty dollars for each violation, to be recovered, with costs, before any justice of the peace in Paducah, Kentucky.

Injury to water or property punished.

§ 8. If any person shall willfully and maliciously dole, corrupt, or make impure any water used by said company, or willfully destroy or injure any pipe, aqueduct, reservoir, fountain, building, or machinery belonging to said company, such person shall be liable in a civil action to said company for treble the amount of damages caused thereby, to be recovered in any court having jurisdiction; and the person so offending shall, upon conviction, be imprisoned in the penitentiary of this State not more than one year; but it is provided that this act shall not in anywise change nor alter the law now in force concerning arson and burglary, nor should this act be construed to impose other and different penalty for the said offenses from that now prescribed by law.

Penalty for polluting water.

§ 9. If any person shall willfully drop into or in any way mix a deadly poison with the water designed by said company for the use of the people of Paducah, the person so

offending shall be confined in the penitentiary of this State not less than two nor more than ten years; but if death result therefrom the person guilty shall be liable, as is now provided by law for such offense.

1876.

§ 10. The company may appoint one or more watchmen to guard and protect their reservoir and engine-house, and all other property connected therewith, who shall have the same authority, when on duty, as a policeman of said city of Paducah, to preserve order and protect said property; and the city council of Paducah may by ordinance grant such other protection to the property of the company in said city, or within one mile thereof, as to them may seem just and proper.

Special police appointed.

§ 11. The said company may issue its bonds in denominations of one thousand dollars each, with coupons; said bonds to be payable in not less than twenty nor more than thirty years, bearing interest at not less than six nor more than eight per cent. per annum, payable semi-annually, and may execute a mortgage on the property of the company for the payment of said bonds and interest thereon.

Issue of bonds.

§ 12. The company hereby incorporated shall complete said water-works in three years from the date of the approval of this act, otherwise this charter shall be void and for nothing held.

Time allowed for completion.

§ 13. The company shall not have the right to erect its works, lay its pipes and aqueducts in the city of Paducah, until the said city shall have consented thereto by resolution or ordinance of its council; and the city of Paducah shall at all times have the authority and right to protect by ordinance the inhabitants of the city from exorbitant charges for water, and may declare a limit for said charges beyond which the company cannot go.

City of Paducah to supervise company.

§ 14. This act shall take effect from its passage.

Approved February 8, 1876.

1876.

CHAPTER 127.

AN ACT for the benefit of J. M. Lester, of Caldwell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. M. Lester, of Caldwell county, be, and is hereby, exempted from the provisions of a act, entitled "An act to prevent empiricism."

§ 2. This act to take effect from its passage.

Approved February 9, 1876.

CHAPTER 128.

AN ACT to repeal an act, entitled "Act to regulate sales made under decrees of the Barren circuit court," approved January 13, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate sales made under decrees of the Barren circuit court," approved January 13, 1872, be, and the same is hereby, repealed.

§ 2. This act shall be in force from and after its passage.

Approved February 9, 1876.

CHAPTER 129.

AN ACT to amend an act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville, approved March 28, 1873, be amended by striking out of section ten of said act the words "one half of."

§ 2. This act to take effect from and after its passage.

Approved February 9, 1876.

CHAPTER 130.

1876.

AN ACT for the benefit of John Welch, of Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifteen dollars be, and the same is hereby, appropriated to John Welch, to be paid out of any moneys in the Treasury not otherwise appropriated, for his services for five days in making fires, and cleaning and taking care of the Hall of Representatives, for the use of the members.

Appropriating
\$15.

§ 2. This act shall take effect from and after its passage.

Approved February 9, 1876.

CHAPTER 131.

AN ACT extending the time for the payment of revenue and county levy of Clay county for the year 1875.

WHEREAS, The condition of Clay county has been such that no responsible person would qualify as sheriff of Clay, and no person undertook the collection of the revenue and county levy for the year 1875; and whereas, Julius Hacker was appointed sheriff of Clay county at the December special term, 1875, and executed bonds for the collection of the revenue and county levy for the year 1875; and for the purpose of enabling him to comply with his bonds,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Julius Hacker, sheriff of Clay county, be, and he is hereby, allowed and only required to pay the revenue and county levy of Clay county for the year 1875, as and at the time he is required by law to pay the revenue and county levy for the year 1876: *Provided*, That the sureties on the bonds of said sheriff shall, at the March term of the Clay county court, 1876, consent of record to the provisions of this bill.

Further time
granted to pay
revenue, &c.

Proviso.

§ 2. This act to take effect from its passage.

Approved February 9, 1876.

1876.

CHAPTER 132.

AN ACT to change the county line between Owen and Grant counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between the counties of Owen and Grant be, and the same is, changed as follows, to wit: Commencing where the Fertner road crosses the middle fork of Eagle creek, sometimes called Three Fork creek, near the mouth of Beech branch; thence up the middle fork, meandering with the same to the line of Gabriel Hammond and John Roland's heirs; thence leaving the creek and following their respective lines to another corner of theirs in said creek; thence meandering with the same to the Pink Davis farm, owned by C. Baird, Esq., at the mouth of a branch opposite the dwelling-house; thence with said branch to the forks; thence with a line so as to strike the county road from Lusby's Mills to Georgetown at the junction of the Gaines fork road; thence with Lusby's Mills and Georgetown road to the leaning oak on the Frankfort road; thence in an easterly direction to the Scott county line, near the residence of Mrs. Winslow Nelson; thence with the Scott county line to the Grant county line near the Covington and Lexington Turnpike; thence with the Grant county line to the beginning; and so much of the territory as is taken from the county of Owen (lying between the original line and the proposed boundary) by the foregoing boundary line shall be and constitute a portion of the county of Grant, and shall be attached to and constitute a portion of Cordovia precinct, in Grant county.

§ 2. This act to take effect from its passage.

Approved February 9, 1876.

CHAPTER 134.

AN ACT for the benefit of school district No. 39, in Bath county.

WHEREAS, It is deemed desirable to encourage the development of higher educational advancement in the town of Sharpsburg, Bath county, and it is believed that the common school of district No. 39 can be advantageously, to all concerned, attached to the school hereinafter referred to, in the securement of instruction from teachers of superior qualification to the pupils thereof; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky. 1876.

§ 1. That the name of the Sharpsburg Male and Female Academy be changed to the "Sharpsburg Male and Female College," and the power is hereby given to confer diplomas and to enjoy such other privileges granted and secured as are common to other chartered institutions of a similar character.

Power to confer diplomas, &c.

§ 2. That the board of trustees of said institution be substituted for the trustee of common school district No. 39, with all the powers now enjoyed by said trustee under the provisions of chapter 18, General Statutes, and charged with the making of all reports now prescribed for said officer.

Board of trustees established.

§ 3. That said board shall have taught by a qualified teacher a common school for said district for a term of five months for each school year, which all the pupils between the ages of six and twenty shall have the privilege of attending, whether contributing or not to the support of the same.

§ 4. That where branches of study other than those prescribed in the common school course are taught, the board shall have the privilege to prescribe such tuition fees as in their judgment are proper.

Tuition fees.

§ 5. That R. L. Thompson, R. S. Ratliff, Thos. Jeff. Jones, and Coleman Ratliff, stockholders and patrons of said college, be attached to district No. 39.

§ 6. This act shall take effect from its passage.

Approved February 9, 1876.

CHAPTER 135.

AN ACT to repeal the charter of the town of Geigersville, in the counties of Boyd and Carter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Geigersville, in the counties of Boyd and Carter," approved February 3, 1874, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved February 9, 1876.

1876.

CHAPTER 136.

AN ACT to authorize the clerk of the Lincoln county court to appoint his wife deputy clerk.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John Blain, clerk of the Lincoln county court, is hereby authorized to appoint his wife, Mrs. Eliza A. Blain, deputy clerk of said court, with full power to discharge the duties of a deputy clerk so soon as she shall have taken the oath required by law.

§ 2. This act shall take effect from its passage.

Approved February 9, 1876.

CHAPTER 137.

AN ACT to amend the charter of the Louisville and Nashville Railroad Company, and to increase the directors thereof to eleven.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend the charter of the Louisville and Nashville Railroad Company," approved March 15, 1871, be, and the same is hereby, repealed.

Directors elect-
ed. § 2. The present directors of said company shall all go out of office at the next annual meeting of the stockholders, at which meeting a full board of directors shall be elected for the term of one year, and shall hold their office until their successors are elected and qualified.

Number in-
creased. § 3. The number of directors of said railroad company shall be nine, but the stockholders of said company may at any regular annual meeting increase the number of directors of said company to eleven.

Approved February 9, 1876.

CHAPTER 138.

1876.

AN ACT for the benefit of Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Hardin county court, at any regular term thereof, upon the written request of the commissioners of the sinking fund of said county, to make an order submitting to the qualified voters of said county at a general election, or at a special election to be held on a day to be designated in the order, at the several voting places in said county, the question whether the stock in the Louisville and Nashville Railroad Company owned by said county shall be sold; but said order shall be made at least sixty days before the day on which the election is ordered to be held. It shall be the duty of said court to give notice by advertisement in any newspaper published in said county, and by printed handbills posted up at each voting place in said county, for at least thirty days before the day of the election, of the object of said election and the time of holding it. Said election shall be held by the officers whose duty it is to hold general elections in said county, and the returns shall be made in the same manner and within the same time. It shall be the duty of the county judge, sheriff, and county court clerk of the county to count the votes for and against the proposition submitted, and to certify the result to the county court, and the court shall cause the certificate to be spread upon its order-book.

Order of election.

Notice to be given.

How election held.

Duty of judge, sheriff, & clerk.

§ 2. If a majority of these voting upon the question of selling the stock shall vote in favor of selling it, the court shall make an order directing the commissioners of the sinking fund to make sale thereof in such amounts and at such price as shall seem to the commissioners to be for the best interest of the county; but before they shall have power to make sale of any part of said stock, the treasurer of the board of commissioners shall execute bond, with sureties to be approved by the county court, conditioned that he will account according to law for all the money which shall come to his hands from sales of stock. The execution of the bond shall be noted upon the record, and it shall then be delivered to and preserved by the clerk of said court. Any two of the commissioners, or any one with the written authority of either of the

Commissioners of Sinking Fund to make sale of stock.

Treasurer of board to execute bond.

Bond to be noted of record.

1876.

Commissioners
may make con-
tracts for sale of
stock.

others, may make contracts for sales of stock; but the treasurer shall alone be authorized to receive the price or to make transfers thereof on the books of the railroad company.

Proceeds of sale
—how used.

§ 3. The proceeds of sales shall not be used for any purpose except upon the order of the commissioners to buy in or pay off the bonds of the county now outstanding; but if bonds cannot be purchased at or under par, the treasurer may loan the money upon sufficient surety, at any rate of interest not greater than ten per cent. nor less than seven per cent.; and may sue for, collect, and reloan the same as the interest of the county may demand; but interest collected on loans may be used to pay interest on the bonds of the county.

Interest on
loans—how used.

Commissioners
shall make re-
port.

§ 4. The commissioners shall, within thirty days after making a sale, report the same to the county court, and their report shall be recorded, and they shall in like manner report any purchase or payment of bonds or loans made by them; and the court shall have power at all times to require the treasurer to give additional security or to execute a new bond; and upon his failure to do so when ordered, may remove him and appoint another, and compel, by process as for a contempt, the surrender of any money, bonds, or securities belonging to the county to the new treasurer as soon as he has given bond, and may, whenever such a course may seem proper, direct suit to be instituted for the protection of the interest of the county.

Court may re-
quire new bond
of treasurer.

Penalty for fail-
ure to give new
bond.

When vote is
against sale of
stock.

§ 5. If at the first election ordered under this act the vote shall be against authorizing a sale of the stock of the county, the county court may, from time to time, upon like application of the commissioners of the sinking fund, order other elections to be held in the same manner and with like effect as provided in this act: *Provided, however,* That not more than one vote on the question of selling said stock shall be taken in any one year.

New election
may be ordered.
Proviso.

§ 6. This act shall be in force from its passage.

Approved February 9, 1876.

CHAPTER 139.

1876.

AN ACT for the benefit of Farish Arnett, late sheriff of Magoffin county.

WHEREAS, In consequence of the great destitution existing in the county of Magoffin, the sheriff of said county, to-wit: Farish Arnett, was unable to collect the revenue due from the people for the year 1874, consequently judgment has been taken against said Arnett and his sureties for the sum of two thousand and eighty-eight dollars and fifty-seven cents (\$2,088 57), with ten per cent. interest thereon from the 1st day of June, 1874; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever Farish Arnett, or any one for him, shall pay into the Treasury the full amount of said sum of two thousand and eighty-eight dollars and fifty-seven cents (\$2,088 58), and the cost of the judgment rendered thereon, the Auditor of Public Accounts is hereby directed to give said Farish Arnett a receipt in full for the revenue due from Magoffin county for the year 1874: *Provided*, Said payment is made on or before the 1st day of October, 1876; and that the sureties of said Arnett enter their consent in writing in the Magoffin county court for this indulgence, and that the same be approved by the county court as good and sufficient.

Further time
for payment of
revenue.

§ 2. That this act be in force from and after its passage.

Approved February 11, 1876.

CHAPTER 140.

AN ACT for the benefit of F. M. Hunt, of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer of this State in favor of F. M. Hunt, committee of Rachel Hicks, an idiot of Laurel county, for the sum of seventy-five dollars, for the maintenance of said idiot from August, 1874, to August, 1875.

Appropriating
\$75.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1876.

1876.

CHAPTER 141.

AN ACT to empower W. J. Salyer, collector of railroad tax in Montgomery county, to proceed to the collection of said tax by himself or deputy.

WHEREAS, At the May election, 1875, W. J. Salyer, collector of the railroad tax due from the citizens of Montgomery county to the Elizabethtown, Lexington, and Big Sandy Railroad Company, was elected justice of the peace, for said county, and has been commissioned and qualified; and whereas, doubts exist as to the authority of said Salyer to finish the collection of said tax by levy and distraint; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. J. Salyer, collector of the railroad tax due from the citizens of Montgomery county to the Elizabethtown, Lexington, and Big Sandy Railroad Company for the year 1873, be, and he is hereby, authorized and empowered, by himself or any deputy he may appoint, to finish the collection of said railroad tax, by levy, distraint, or otherwise.

§ 2. This act shall take effect from its passage.

Approved February 11, 1876.

CHAPTER 142.

AN ACT to amend an act, entitled "An act to incorporate the Henderson Building and Loan Association," approved April 24, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act be so amended as to make the funds of said association, represented by shares of stock, one hundred dollars; and the issual of said stock in the sum of one hundred dollars by said association.

§ 2. That section eight (8) of said act be amended so that the officers elected by the stockholders shall be nine directors, who shall appoint one of their number as president and one as vice president; they shall appoint some suitable person or persons as treasurer or secretary, who may or may not be members of said board of directors.

§ 3. That the members of said association may so change the payment of their dues as to pay one dollar per month on their shares of stock instead of twenty-five cents per week as now provided.

§ 4. This act shall take effect and be in force from its passage. 1876.

Approved February 11, 1876.

CHAPTER 143.

AN ACT for the school district No. 12, in Warren county.

WHEREAS, There was no school taught in district No. 12, Warren county, for the school year ending June 30th, 1875, in consequence of having no school-house; and whereas, the patrons have interested themselves and built a commodious and comfortable house; and whereas, said surplus not yet been placed in the county bond; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Superintendent of Public Instruction withhold from the county bond of Warren the unexpended surplus of district No. 12, and upon the draft of the county commissioner, countersigned by the Superintendent of Public Instruction, the Auditor be authorized to issue his warrant on the Treasurer for the sum of one hundred and ninety-six dollars and ninety-five cents now to the credit of said district; and upon the receipt of the money, the commissioner be authorized to pay it such teacher to whom it may become due, upon the order of the trustee of said district.

Appropriating
\$196 95.

§ 2. This act shall take effect from its passage.

Approved February 11, 1876.

CHAPTER 145.

AN ACT for the benefit of Madison Thomas, committee of Harry P. Thomas, of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant on the Treasury in favor of Madison Thomas, committee of Harry P. Thomas, for the sum of three hundred dollars, being in full of amount due said Madison Thomas for keeping Harry P. Thomas, a pauper lunatic of Lewis county, from the 28th day of March, 1872, until

Appropriating
\$300.

1876. October, 1873; said Harry P. Thomas having been found a lunatic by a jury at the December term, 1870, of the Lewis circuit court.

§ 2. This act shall be in force and effect from its passage.

Approved February 11, 1876.

CHAPTER 146.

AN ACT to amend an act amending the turnpike law of Henry county, approved March 28, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in the construction of turnpike roads in Henry county, when the estimate for building, as provided by the act to which this is an amendment, exceeds in cost two thousand dollars per mile, or fraction thereof, at the rate of two thousand dollars per mile, the grade of the road may exceed four degrees in order to reduce the cost; the road to be constructed in all other respects as now provided by the provisions of the turnpike law of the county, except in the approaches along the water-courses to and from the Kentucky river, where the road runs along the hill-side and come in contact with ledges of rock; and then, so far as the obstruction extends, the grade may be reduced—to not less, however, than fourteen feet in width.

§ 2. That when one fourth of a mile is completed on any turnpike road connecting with other portions of the road already turnpiked, the company or person constructing shall be entitled to draw from the turnpike fund, when said fraction of a mile is received as required by the provisions of the turnpike law, the sum of two hundred and fifty dollars.

§ 3. That no turnpike road company in said county shall hereafter be permitted to charge a greater rate of toll than that fixed by the provisions of the General Statutes on that subject. Nothing in this act shall preclude the collection of a *pro rata* toll on all completed road.

§ 4. This act shall take effect from its passage.

Approved February 11, 1876.

CHAPTER 147.

1876.

AN ACT to change district No. 44, in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That school district No. 44, of Kenton county, be so changed as to be composed of and included in the following boundaries, to-wit: Beginning at Jacob Kyle's house (including said Kyle); thence northeast to the corporation line of the city of Covington, at the point where the Highland Turnpike Road intersects said corporation line; thence with the corporation line of Covington to the corporation line of West Covington or Economy; thence with the corporation line of West Covington or Economy to the corporation line of the city of Ludlow; thence with the corporation of Ludlow to what is called the Sand Bank road; thence with said Sand Bank road up Pleasant Run to the county road that leads out to the house of John Perkins; thence with said county road to the Lexington Turnpike Road near said Perkins' house (excluding said Perkins); thence eastwardly on a direct line to Jacob Kyle's house and the place of beginning. The foregoing shall hereafter constitute said school district No. 44, in Kenton county, instead of the boundary as now existing.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1876.

CHAPTER 149.

AN ACT to amend the charter of the Louisville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating the Louisville Turnpike Company, and the amendments thereto, be so amended that the said Louisville Turnpike Company (a majority of its stock consenting) shall have power and authority to subscribe stock to or in any other turnpike or gravel road connecting with the Bardstown and Louisville Turnpike Road, and, to the extent of any sum or sums so paid and subscribed, the said Louisville Turnpike Company shall have the right to increase its capital stock: *Provided, however,* Said company may con-

Power to subscribe stock in other roads.

Proviso.

1876.

tinue to charge the same rate of toll and no more as is now charged for traveling on and over said road, and dividends may be declared to the extent of the net earnings of said road company.

§ 2. That this act take effect and be in full force from and after the date of its passage.

Approved February 11, 1876.

CHAPTER 150.

AN ACT to enable the Literary Society of Saint Louis Bertrand, of Louisville, Kentucky, to issue mortgage bonds.

WHEREAS, An act, entitled "An act to incorporate the Saint Louis Bertrand Society, of Louisville," under the name of the Saint Louis Bertrand Literary Society, was passed and approved March 4, 1869, and authorized said society to acquire and hold real estate to the value of not more than two hundred and fifty thousand dollars, and to sell and dispose of the same in manner therein set forth; and whereas, an act, entitled "An act to authorize the Saint Louis Bertrand Society, of the city of Louisville, to issue mortgage bonds," was approved January 17, 1871; and whereas, by an act, entitled "An act to amend an act to authorize the Saint Louis Bertrand Society, of the city of Louisville, to issue mortgage bonds," approved February 25, 1871, it was enacted that said society should thereafter exist and continue under the corporate name of The Literary Society of Saint Louis Bertrand, of Louisville, Kentucky, and that said society should, under said name, exercise all the powers contained in said act, approved March 4, 1869, incorporating aforesaid society; and whereas, the said Literary Society of Saint Louis Bertrand, of Louisville, Kentucky, in virtue of the said recited acts, issued mortgage bonds to the extent of fifty thousand dollars; and whereas, since the aforesaid act of incorporation the said society has expended over two hundred thousand dollars in and on the property mortgaged to secure said bonds; and whereas, said society is desirous to provide for the payment of said bonds, and to pay some floating debts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Literary Society of Saint Louis Bertrand, of Louisville, Kentucky, be, and the same is hereby, authorized

to issue bonds of the denominations of one hundred dollars and five hundred dollars, respectively, to the amount, for both denominations together, of one hundred thousand dollars, with interest coupons attached to the same; which bonds shall bear interest at a rate not exceeding ten per centum per annum, and which interest shall be payable semi-annually, and the principal shall be payable in fifteen years from the date of the bonds to be issued under this act.

1876.

May issue bonds.

Amount of.

Interest—how
& when payable.

Principal—how
& when payable.

Bonds—how
signed.

Shall bear seal,
and be transfer-
able.

§ 2. That each of said bonds shall be signed by the president and secretary of the said society, and shall be sealed with the corporate seal, and shall be made payable to bearer, and transferable as the said society may, by its by-laws, direct.

May execute
deed of trust.

§ 3. That for the purpose of securing the principal and interest of the said bonds, the said society is hereby authorized to execute a deed of trust to a trustee by it named for that purpose, and to convey to such trustee, in trust, by way of mortgage, for the purpose herein named, the real estate with improvements and appurtenances held by the said society, it being the intent and purpose of this act to enable the said society to obtain funds by loan to pay off their existing bonds and floating debt.

May mortgage
its property.

§ 4. This act shall not affect any mortgage or mechanics' liens upon said property, nor in any way disturb priorities according to law.

Proviso.

§ 5. This act shall take effect from and after its passage.

Approved February 11, 1876.

CHAPTER 151.

AN ACT to prevent the erection of traps and dams in Rockcastle river.

WHEREAS, By an act of the General Assembly of Kentucky, approved February 3, 1874, by which a certain sum of money was appropriated to remove obstructions to navigation in the Rockcastle river; and whereas, certain obstructions have been placed in said river since that time; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whosoever shall erect, or cause to be erected, any fish trap or dam in the Rockcastle river, from the mouth of Indian creek, on Middle Fork, and the mouth of Pond creek,

1876. on the South Fork of said river, to Livingston station, on the Knoxville branch of the Louisville and Nashville Railroad, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in a sum not exceeding one hundred dollars, nor less than twenty-five dollars, or imprisoned in the county jail for a period of time not exceeding fifty days, nor less than twenty days, or both so fined and imprisoned in the discretion of a jury.

§ 2. The provisions of this act shall apply to all obstructions erected in said river, as described in the foregoing section, since the 3d day of February, 1874, and that shall continue to exist for thirty days after the passage of this act.

§ 3. This act shall take effect from its passage.

Approved February 11, 1876.

CHAPTER 152.

AN ACT for the benefit of the trustees of the town of Catlettsburg.

WHEREAS, The board of trustees of the town of Catlettsburg, having vacated a part of the alley leading from Division to Short street in said town, and exchanged the same to Mrs. Annis Brown for another location for said alley, this being necessitated by the washing away of the bank of the Big Sandy river; and whereas, doubts have arisen as to the legality of said transaction; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the alley between Division and Short street, in the town of Catlettsburg, be closed from the north side line of the Sherman House to Short street; and that said alley, for the distance mentioned, be no longer held or used as a public thoroughfare: *Provided*, Said Mrs. Annis Brown convey, as required by law, to the chairman of the board of trustees of the town of Catlettsburg, for the use of said town as an alley, in lieu of the one hereby vacated, a strip of land at least ten feet in width, in length equal to that part of the alley closed and adjoining and running parallel to the same; and also sufficient land at the north end to give convenient access to said alley.

§ 2. That the chairman of the board of trustees of the town of Catlettsburg be, and he is hereby, authorized and

empowered, on compliance with the conditions of the first section of this act by Mrs. Brown, to convey by deed of general warranty that part of the said alley hereby closed, to her, her heirs and assigns, forever. 1876.

§ 3. This act shall be in force and effect from its passage.

Approved February 11, 1876.

CHAPTER 153.

AN ACT to amend an act, entitled "An act to incorporate the Bardstown Baptist Female College, at Bardstown, Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the board of trustees of the Baptist Female College, at Bardstown, by and with the advice and consent of a majority of the stockholders in said institution, to open within their college buildings a school for the education of males or females or both, as the said board of trustees may deem will best promote the interest of said institution, or discontinue same as an institution, or sell and convey same by consent of majority of stockholders.

May establish male or female school, or both.

May discontinue, sell, or convey.

§ 2. This act to take effect from its passage.

Approved February 11, 1876.

CHAPTER 155.

AN ACT to amend an act, entitled "An act incorporating the German Lutheran Presbyterian St. John's Church in Newport," Session Acts 1850-'1, volume 2, page 270.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of an act approved March 3d, 1851, vol. 2, page 270, Session Acts 1850-'1, as establishes the name of the corporation therein referred to as "The Trustees of the German Lutheran Presbyterian St. John's Church in the city of Newport," be, and the same is hereby, repealed, and in lieu thereof it is enacted that the name of said corporation shall hereafter be known as "The German Evangelical Protestant St. John's Congregation of Newport, Kentucky."

Name changed.

§ 2. This act shall be in force and effect from and after its passage.

Approved February 11, 1876.

1876.

CHAPTER 156.

AN ACT to repeal an act to prevent the sale of spirituous and vinous liquors in Elkton, Todd county, approved December 20, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act of the Legislature of Kentucky, passed and approved December 20, 1871, entitled "An act to prevent the sale of spirituous and vinous liquors in the town of Elkton, Todd county, of within one mile of the corporate limits thereof," be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1876.

CHAPTER 157.

AN ACT to prohibit the sale of spirituous or malt liquors in the Sardis precinct, Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for the county court judge of Mason county, or any other person or persons, to grant a license to any person or persons to sell spirituous, vinous, or malt liquors within the Sardis precinct, in Mason county.

§ 2. That the penalty for the violation of this act shall be the same as is now already provided for by law.

Approved February 11, 1876.

CHAPTER 158.

AN ACT for the benefit of John E. Abbott, of Hart county.

WHEREAS, John E. Abbott was sheriff of Hart county in 1872, and judgment was rendered against him in Franklin circuit court for a considerable sum in favor of the State for unpaid taxes, and the sum of two hundred and fifty-two dollars and forty-four cents damages and costs, all of which he has paid, as will the principal and costs as the damages; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the damages so paid be, and the same shall be, refunded; and that the Auditor of Public Accounts draw his

warrant on the Treasury in favor of John E. Abbott for the sum of two hundred and fifty-two dollars and forty-four cents, the amount of said damages.

1876.

§ 2. This act to take effect from its passage.

, Approved February 11, 1876.

CHAPTER 159.

AN ACT incorporating and for the benefit of Building and Loan Associations of the county of Jefferson and city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. At any time when ten or more persons may desire to form a Building and Loan Association, for the purpose of aggregating a portion of the savings of all, and loaning the same to its members only, under the provisions of this act, they shall organize in the manner and at the times prescribed by an act of the General Assembly of this State, approved March 15th, 1870, entitled "An act to provide for the organization and regulation of incorporated companies, except banking, insurance, and railroad companies," and the amendment to said act, as well as under chapter 56 of the General Statutes.

Ten or more to form association.

How organized.

§ 2. No charter granted under or by virtue of the provisions of this act shall be for a term longer than twenty years; the capital stock shall at no time consist of more than four thousand shares, of two hundred dollars each; the installments on which stock are to be paid at such time and place as the by-laws of the said associations shall appoint; but no periodical payment shall be for more than two dollars on each share. Every share of stock shall be subject to a lien for the payment of unpaid installments and other charges incurred thereon, under the provisions of the charter and by-laws; and the by-laws may prescribe the manner of enforcing said lien. New shares of stock may be issued in lieu of the shares withdrawn or forfeited. The stock may be issued in one or in successive series, in such amount as the board of directors or the stockholders may determine; and any stockholder wishing to withdraw from the association may do so by giving thirty days' notice at any regular meeting, of his or her intention to do so, when he or she shall be entitled

Term of charter.

Capital stock.

Stock subject to lien.

New shares may be issued.

How stock issued.

1876.

Proviso.

to receive the amount paid in by him or her, and such proportion of the profits as the by-laws may determine, less fines and other charges: *Provided*, That at no time shall more than one half of the funds in the treasury of the association be applicable to the demands of withdrawing stockholders, without the consent of the board of directors, and that no stockholder shall be entitled to withdraw whose stock is in pledge for security. Upon the death of a stockholder, his or her legal representative may elect to hold the stock, and transfer of the same shall be made without charge or by notice as above. Said legal representative may withdraw the stock in same manner and for same amount as the stockholder before decease might have done.

§ 3. The number, titles, functions, and compensation of the officers of any corporation created by virtue of this act, their terms of office, times of election, qualifications of electors, ratio and manner of voting, and the periodical meeting of said associations, shall be determined by the by-laws: *Provided, however*, That each stockholder shall have one vote, and only one vote, without reference to the amount of stock he or she may hold.

§ 4. The said officers, or the association, shall hold stated meetings, at which the money in the treasury, if over two hundred dollars, shall be offered for loan in open meeting. Each stockholder shall be entitled to receive a loan of two hundred dollars for each share of stock held by such stockholder: *Provided*, That a stockholder may borrow such fractional part of two hundred dollars as the by-laws may provide, and good and ample security shall be given by the borrower to secure the repayment of the loan. In case the borrower shall fail to offer security, or shall offer security that is not approved by the board of directors by such time as the by-laws may prescribe, he or she shall be charged with one month's interest, together with any expenses incurred, and the money shall be re-loaned at the next stated meeting. In case of non-payment of installments or interest by the borrowing member for the space of six months, payment of principal and interest, without deducting the premium paid or interest thereon, may be enforced by proceeding on the bond and security by suit for personal judgment or decree of foreclosure according to law.

1876.

§ 5. A borrower may repay a loan at any time; and in case of the repayment thereof before the expiration of the tenth year after the organization of the association or the date of issue of the particular series of stock pledged for the loan, there shall be refunded to such borrower one tenth of the premium paid for every year of the said ten years then unexpired; and in case of recovery of loans by process of law, when the amount collected by, or distributed to, said association shall exceed the amount of loan taken by the borrower, with interest and charges, the money shall be re-loaned at the next stated meeting; and the excess recovered beyond the amount required to pay the loan, with interest and charges, shall be returned to the borrower from whom the money was collected, or his or her legal representatives: *Provided*, That in case the said corporation shall have issued its stock in series, such re loan shall be made only to the stockholders of the same series: *And provided*, That if the premium offered for the re-loan shall be greater than that originally given by the defaulting borrower, the amount of the original premium only shall be taken as the basis of the calculation made in arriving at the amount to be paid, as surplus, to such member by the said corporation: *And provided*, That such defaulting borrower may, at any time after the said re-lending, demand from said corporation the amount required to be paid to a stockholder withdrawing his stock, saving and excepting, however, to said corporation the right to retain so much, or the whole thereof, as may be requisite to save it from loss in case the amount received shall not suffice to pay the re-loan.

§ 6. No premiums, fines, or legal interest on such premiums, that may accrue to the said corporation according to the provisions of this act, shall be deemed usurious, and the same may be collected as debts of like amount are now by law collected in this State.

§ 7. No corporation or association created under this act shall cease or expire from neglect on the part of the corporations to elect officers at the time mentioned in their charters or by-laws; and all officers elected by such corporations shall hold their offices until their successors are duly elected.

§ 8. Nothing herein contained shall be applied to, or construed to affect, any cause or suit now brought, or that may be pending in any court in this State, nor shall any suit be

1876. permitted to be discontinued or renewed so as to come within the provisions of this act: *And provided further*, That in case of non-payment of installments or interest by borrowing stockholders for six months, payment of principal and interest, without deducting the premium paid or interest thereon, may be enforced by suit for personal judgment or decree of foreclosure according to law; and the amount collected shall be applied as directed by section five of this act.

§ 9. All mortgages heretofore given to building and loan associations, by their corporate names, before the passage of this act, having obtained their charters from the proper court under the act of the General Assembly of this Commonwealth, mentioned in section one of this act, be, and they are hereby, declared good and valid to all intents and purposes, as though they had been made after the passage of this act. *Provided, however*, That all notes evidencing loans made under this act shall bear interest at no greater rate than now provided by law.

Approved February 14, 1876.

CHAPTER 160.

AN ACT to amend the charter and change the name of the Chestnut Street Presbyterian Church, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name. § 1. That the name of the Chestnut Street Presbyterian Church, of Louisville, be, and the same is hereby, changed to that of Broadway Tabernacle Presbyterian Church; and in such name it shall hold its property and assets, and transact its business; and shall sue and be sued, and answer and defend on and against all claims now existing, or which may hereafter exist, against said church.

Powers. § 2. That section four of an act to incorporate the Chestnut Street Presbyterian Church, approved February 25, 1848, be, and the same is hereby, repealed.

Obligations. § 3. That said corporation shall be bound by any note, bond, or obligation, signed by a majority of its trustees as such, to which its corporate seal is affixed, attested by its treasurer.

§ 4. That the trustees of said corporation may borrow any sum not exceeding thirty-five thousand dollars, at such rate of interest not exceeding nine per cent. per annum, and payable at such time as they may agree upon, and secure its payment by a mortgage upon its church property, on the southwest corner of Chestnut street and Fourth avenue in Louisville; they may also sell and convey said property for such price as they may agree upon.

1876.

Trustees may borrow.

§ 5. Said trustees may also issue coupon bonds to the amount of thirty thousand dollars, of such denominations, bearing such rate of interest not exceeding nine per cent. per annum, and payable at such time as they may determine, and secure the payment of the same by a mortgage on the property recently purchased by said church on the southwest corner of Broadway and Fourth avenue, in the city of Louisville.

May issue bonds.

How payable.

§ 6. Said trustees or their successors may sell and convey any real estate said corporation may hereafter acquire.

Trustees may sell or convey.

§ 7. The mortgages and conveyances herein authorized shall be signed by a majority of the trustees of said corporation as such, and have its corporate seal affixed, attested by its treasurer.

Approved February 14, 1876.

CHAPTER 161.

AN ACT to incorporate the "Mutual Benefit Association" of the Western Virginia Conference of the M. E. Church, South.

WHEREAS, W. C. Ireland, A. C. Campbell, F. B. Carroll, J. M. Ferguson, D. D. Geiger, S. Casebolt, John W. Hampton, and others, for the purpose of providing a fund for the benefit of the families of the members, formed an association styled "Mutual Benefit Association" of the Western Virginia Conference of the M. E. Church, South—the prime object being to secure a fund for the benefit of the families of deceased ministers of said conference. Articles of incorporation were adopted; but as there are doubts as to the legality of such incorporation securing the end intended, those interested desire an act of the General Assembly legalizing and establishing as law the articles aforesaid; therefore,

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the articles of incorporation hereinafter set forth shall constitute and be the charter of the "Mutual Benefit Association" of the Western Virginia Conference of the M. E. Church, South, constituting said association a corporation, with all the rights, powers, and privileges specified in the articles aforesaid, which are as follows, viz:

ARTICLE I.

§ 1. This association shall be called the "Mutual Benefit Association" of the Western Virginia Conference of the M. E. Church, South; and by that name ("Mutual Benefit Association"), shall be capable of contracting and being contracted with, both in and out of the State of Kentucky, of suing and being sued.

§ 2. Every person who signs and acknowledges these articles of association, and all who may become entitled to the privileges and benefits of the association, as provided by these articles of association and such by-laws as may be adopted, shall be members of the association and entitled to one vote.

ARTICLE II.

§ 1. The officers shall consist of a board of directors of not less than seven nor more than twenty-one, seven of whom shall reside at or near Ashland, Kentucky, and constitute a local board, and a majority of the local board shall constitute a quorum for the transaction of business; also a president, vice president, secretary, and treasurer, to be selected by the directors from their body; and they shall reside in or near Ashland, Kentucky. The first board of directors shall consist of seven (who shall be the local board as herein provided), and the board may increase the number of directors, from time to time, so that they do not exceed the number of twenty-one.

§ 2. The office of the association shall be in Ashland, Kentucky.

§ 3. The board of directors shall control the business interests of the association; shall have charge of its funds; shall receive, consider, and accept or reject, all applications for membership; shall hold business meetings at least once a month, and shall have power to call (for good cause) special meetings of the association, and shall fill all vacancies occurring in their own body.

§ 4. All elections of this association shall be by ballot.

1876.

§ 5. The conditions of membership in this association, and form of application, shall be prescribed by the by-laws.

ARTICLE III.

§ 1. The secretary and treasurer shall give such bonds, with sureties, for the faithful performance of their duties, as the board of directors may require.

§ 2. All moneys of the association shall be paid into the hands of the treasurer, who shall make investments and disbursements thereof, upon the order of the board of directors, countersigned by the president or vice president and secretary. At the annual meeting of the association, and at such other times as the board may require, he shall report all receipts and expenditures, and do such other things touching the affairs of the association as may be required of him.

§ 3. All moneys received as fees for admission to membership in this association shall go into the invested funds of the association, as hereinafter provided.

§ 4. At the end of each month the incidental expenses for such month shall be paid out of the funds received for fees during the month, which shall be audited and allowed by the board of directors. It shall be the duty of the board to order the treasurer to invest the balance remaining on hand in such stocks, bonds, or other securities, as they may particularly designate, and cause the investment to be made immediately. They shall also cause to be re-invested, from time to time, accruing interest, or dividends on investments already made, and so to manage and direct the financial affairs of the association as to prevent any of its funds from lying idle and unproductive.

§ 5. The board of directors shall order investments made in such securities, and such only, as are good and interest paying at the time, keeping constantly in view the desirableness of the investment, on account of its safety, its productiveness, and the readiness with which it can be converted into cash.

ARTICLE IV.

§ 1. The object of this association is to provide a beneficiary fund, to be distributed as hereinafter provided.

1876. § 2. The number of this association shall not exceed two thousand.

§ 3. Upon the decease of any member of this association the beneficiary fund to which he may be entitled shall be paid as follows :

1. To the widow for the benefit of herself and children, if any.
2. To his mother and sisters.
3. To his father and brothers.
4. To his grandchild, or children.

But the board of directors may, in their discretion, for good cause, pay the same to some other person as trustee, to be paid to those entitled, or for their use, in such manner, and for such purposes, and in such sums as the board may direct, or make such other disposition of the fund as will, in their judgment, best subserve the interest of those intended to be benefited: *Provided, however,* That this power of appointment shall in no case be exercised by the board where the member may have made such appointment by will. No member shall, by will or otherwise, divert the beneficiary fund from those entitled to it, but may exercise the power of appointment of a trustee, in order to secure the proper economical appropriation of the fund so as to secure the benefits intended by this association.

§ 4. If a deceased member leaves no family or other kindred, as specified in section 3, then the expenses of his last illness and funeral expenses shall be paid out of the amount to which his family would have been entitled, so far as it will contribute thereto, and the residue (if any) shall revert to, and become the property of, the association, and be added to the contingent fund.

§ 5. The beneficiary fund shall in no case be subject to the claims of creditors, or execution, or attachment for debts, taxes, or other demands against the deceased member, or his estate.

ARTICLE V.

§ 1. The fees and dues for membership shall be an admission fee of five dollars, and upon the death of any member an assessment on each survivor of one dollar and ten cents.

§ 2. Of the one dollar and ten cents upon each assessment, the one dollar shall constitute the beneficiary fund, to be paid

as provided in section 3 of article 4; and the ten cents shall be paid to the secretary for his services, and for postage, etc., upon notices.

1876.

§ 3. Upon the death of a member, the president, or, in case of his absence or inability to act, the vice president, shall call a meeting of the board of directors, and upon satisfactory proof of such death, the board shall cause to be paid, within sixty days, to the person or persons entitled to receive the same by section 3 of article 4, a sum equal to one dollar for each surviving member of the association.

§ 4. Upon the death of any member, the secretary shall send a notice of the same to each surviving member, and call for the payment of an assessment of one dollar and ten cents. If any members shall fail to pay an assessment for thirty days after notice thereof, he shall cease to be a member of this association, and shall forfeit all claims to any of its benefits; but, for satisfactory reasons, and upon payment of the amount in arrears, may be reinstated by a vote of the majority of the local board.

§ 5. A notice addressed and sent to the post-office, residence, or business office of any member, and not returned to the secretary, shall be considered a legal notice. Upon the change of residence of any member he shall notify the secretary of such change.

ARTICLE VI.

§ 1. This association shall have perpetual succession; and new members may be admitted from time to time, so that the number living shall not at any time exceed two thousand.

§ 2. The private property of the members shall be exempt from the corporate debts.

§ 3. The board of directors may adopt by-laws, and make rules and regulations deemed expedient for the management of the affairs of the corporation, not inconsistent with the Constitution and laws of the State of Kentucky, or of the United States.

§ 4. The capital of the association shall be made up of the fees for admission, and assessments and such interest and dividends as may accrue on invested funds, and shall not exceed at any one time twenty thousand dollars; but if it should at any time exceed fifteen thousand dollars, the board of directors may dispose thereof for the benefit of members of the

1876. association, or those who will be entitled upon the death of a member, and in such manner as may be deemed equitable.

§ 5. The indebtedness of the corporation shall at no time exceed one thousand dollars, except it may be to those entitled to the beneficiary fund.

ARTICLE VII.

§ 1. The directors shall be elected annually, and shall hold their offices until their successors are elected. The times and place of the election shall be fixed by the by-laws. A majority of all the members present or represented shall be necessary to a choice.

§ 2. That this association shall be exempt from the insurance laws of this Commonwealth, and not required to make any report, deposit, or do any other thing required by the laws of this State touching domestic or foreign life insurance companies; nor be held liable for any act heretofore done to any of the penalties of the law touching the matter of life insurance and the duties of such companies.

§ 3. This act shall take effect from its passage.

Approved February 14, 1876.

CHAPTER 128.

AN ACT to repeal an act, entitled "An act to regulate sales made under decrees of the Barren circuit court," approved January 13, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate sales made under decrees of the Barren circuit court," approved January 13, 1872, be, and the same is hereby, repealed.

§ 2. This act shall be in force from and after its passage.

Approved February 9, 1876.

CHAPTER 148.

AN ACT to authorize the issue of a patent to Isaac Hibbs, jr., and E. Charlton, for the N. E. quarter of section 34, T. 2, R. 1 W.

WHEREAS, Isaac Hibbs, sr., did, on the 27th day of January, 1831, enter in the receiver's office for lands west of the Tennessee river the N. E. quarter of section 34, T. 2, R. 1 West, paid to said receiver the entry fee and price, and thereafter

transferred his certificate of entry to John Frost, but no patent has ever been issued to either of them, or their heirs or assignees, or to any one else, for said quarter of land, and both said Hibbs and Frost are dead; but the title of said land has regularly been transferred by deeds of conveyance—first from said John Frost—until the title of the north sixty acres thereof vested in Isaac Hibbs, jr., and the south one hundred acres in E. Charlton, both of Graves county, and now living. Now, therefore,

1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Register of the Land Office be, and he is hereby, authorized and directed to issue a patent to Isaac Hibbs, jr., for the north sixty acres of the northeast quarter of section thirty-four, township two, range one west; and to issue a patent to E. Charlton for the south one hundred acres of same quarter; said patent to be signed by the Governor of this Commonwealth, so as to vest in said Isaac Hibbs, jr., and E. Charlton all the right, title, and interest the Commonwealth now or ever did have in and to said tract of land.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 11, 1876.

CHAPTER 162.

AN ACT for the benefit of school district No. 21, Kenton county.

WHEREAS, School district No. 21, of Kenton county, was without a school-house and did not, in consequence thereof, have any school taught for the year ending June 30th, 1874; and, therefore, the money apportioned that district was placed as unexpended surplus to the credit of the State bond of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty-one dollars and sixty cents, being the amount due said district for the scholastic year ending June 30th, 1874, be paid the said district from the interest due on the Kenton county bond for the year ending June 30th, 1877, to be expended in the payment of the teacher's wages; and when said sum is due, the commissioner be

1876. authorized to draw his draft on the Auditor for said amount, which, when countersigned by the Superintendent of Public Instruction, shall entitle said district to a warrant on the Treasury for said amount, which sum the commissioner shall pay to the teacher of said district upon the order of the trustee thereof.

§ 2. This act shall take effect January 10th, 1877.

Approved February 14, 1876.

CHAPTER 163.

AN ACT to amend the charter of the city of Henderson, and the several acts in relation thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hereafter all money received by the city treasurer of the city of Henderson from the tax levied to pay the principal and interest of the bonds issued by said city to the Evansville, Henderson, and Nashville Railroad Company; and all money received from the tax levied to pay the principal and interest of the bonds issued under an act, entitled "An act to organize and establish a system of public schools in the city of Henderson," approved March 16, 1869; and all money received from the tax levied to pay the interest on the bonds issued by the city of Henderson for water-works purposes, shall be placed by said treasurer to the credit of the sinking fund; and the accounts of said moneys shall be kept in such manner, as at all times to show what amounts are received on account of the principal of said bonds respectively, and what amounts are received on account of the interest on said bonds respectively. The moneys so received by said treasurer shall be held by him subject to the order of the board of commissioners of the sinking fund of the city of Henderson. Any money now in the hands of the city treasurer, which has been collected on account of the taxes assessed to pay the principal or interest of any of the bonds of the city, shall be transferred to the credit of the sinking fund, and placed to the proper account as hereinafter directed. So much of said money as is levied and collected to pay the principal of said bonds respectively shall be used for that purpose alone; and so much of said money as is levied and

Money received by treasurer to be placed to credit of sinking fund.

Accounts—how kept.

Money on hand to be transferred to sinking fund.

1876.

collected to pay the interest of said bonds respectively shall be used for that purpose alone: *Provided*, That if at any time there remain a surplus after paying the interest on any of said bonds, out of the tax levied for that purpose, such surplus may be applied to the payment of the principal of any of the bonds issued by the city of Henderson. Any bonds of the city of Henderson, which, by an order of the board of commissioners of the sinking fund, duly passed and recorded, are directed to be paid by the treasurer, may be paid by the said treasurer without further warrant being drawn for that purpose; and such bonds, when so paid, shall constitute vouchers to the treasurer; and the said commissioners may, by an order duly passed and recorded, direct the payment by said treasurer of any of the installments of interest on any of the bonds of the city of Henderson, out of the money arising from the tax levied and collected for that purpose; and the same may be paid by the treasurer without further warrant being drawn for that purpose; and the coupons for such interest, when so paid, shall constitute vouchers to said treasurer. Hereafter the treasurer shall not be *ex officio* a member of said board of commissioners, but the city council shall appoint two members instead of one, to hold their offices as now provided.

Treasurer may
pay bonds.

Treasurer may
pay interest on
bonds.

Treasurer not
a member of
board.

§ 2. Personal property levied on for taxes by the marshal of the city of Henderson may be sold at public auction at such time and such place within the city as may be designated, by not less than ten days' advertisement, by posters put up at the court-house door and not less than two other public places within the city.

Personal prop-
erty levied on—
how sold.

§ 3. Persons owning stores in the city of Henderson after the 10th of April in any year, which they did not own, or which were not assessed for taxation by the city on the 10th April, shall pay tax upon any such stores for such proportion of the year as they may own the same, at the same rate at which they would have been taxable if they had been owned and listed for taxation on said 10th April. And it shall be the duty of the marshal each year to list all such stores as were not in the city on the 10th April and report the same to the common council, specifying in such report the time from which they should be taxed as herein directed; and thereupon the common council shall, by order entered upon their records,

Taxes—how
listed and paid.

1876. direct what proportion of the year such store shall be taxed; and it shall be the duty of the marshal to collect the same as other taxes.

§ 4. On and after the 1st day of June, 1878, the commissions of the marshal upon all taxes collected by him shall be not less than two per cent. nor more than three per cent.

Marshal's commission.

§ 5. The common council, at some meeting in December, 1876, and at some meeting of the council in December every two years thereafter, shall appoint a city assessor, who shall hold his office for two years and until his successor is qualified, and his duties shall be the same as now required by law of said assessor.

City assessor—how appointed.

§ 6. Hereafter the boundaries of the city of Henderson shall be as follows: Beginning at a point in the centre of Plank Road street, 50 feet in a northwest direction from Canoe Creek bridge; thence in a straight line in a northern direction to the southern corner of ten-acre-lot No. 4, the same being also the eastern corner to ten-acre-lot No. 5; thence in a northwestern direction, and with the division line of said lots, in a direct line to the east line of the water-works property; thence in a northeastern direction, and with said water-works line, to the northern corner of said water-works property; thence in a northwestern direction, and with the north line of said water-works property produced to a point at low water mark on the Indiana shore of the Ohio river; thence down the Ohio river, with its meanderings at low water, to a point opposite the south line of Hancock street; thence in a southeastern direction, to and with the south line of Hancock street, in a direct line to the west line of the Madisonville road; thence in a northeastern direction to the southern corner of Jno. W. Alves' enlargement; thence in a northeastern direction, and with the eastern boundary of said enlargement, to the south line of the alley between Breckinridge's second addition and the car-works property; thence in a southeastern direction with the south line of said alley to the west line of the St. Louis and Southeastern Railway; thence in a northern direction, and with the west line of said railway, to the south line of Second street; thence in a southeastern direction, and with the south line of Second street, to a point directly west of the beginning point; and thence due east to the beginning.

§ 7. Hereafter the license upon billiard tables in the city of Henderson shall be not less than twenty-five dollars and not more than one hundred dollars per year for each table; and the price charged for license may be graded within the said limits, according to the number of tables owned by each applicant for license.

1876.

Billiard tables
—license.

§ 8. After the 1st day of June, 1880, the salary of the judge of the Henderson city court shall be not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500) per annum; and in case a vacancy occur in said office before the said 1st of June, 1880, then the person appointed or elected to fill such vacancy shall receive the salary as herein provided for. The common council shall fix the salary within the limits above mentioned.

City judge—his
salary.

§ 9. This act shall take effect and be in force from and after its passage.

Approved February 14, 1876.

CHAPTER 164.

AN ACT for the benefit of C. W. Thompson, of Metcalfe county.

WHEREAS, C. W. Thompson, of Metcalfe county, is clerk of the county court in said county, and a licensed attorney at law; and by section 6, article 31, chapter 29, of the General Statutes, is prohibited from practicing law in all the courts of this Commonwealth because of his being clerk of the county court; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. W. Thompson, of Metcalfe county, is excepted from the operation of said section: *Provided*, That he shall not be allowed to practice law in the county courts of Metcalfe county so long as he is clerk of said county court.

§ 2. And any partner in the practice of law of said Thompson is prohibited from practicing in the court of which said Thompson is clerk.

Approved February 14, 1876.

1876.

CHAPTER 165.

AN ACT for the benefit of John P. Barrett, late sheriff of Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John P. Barrett, late sheriff of Ohio county, have the further time of two years from the first day of March, 1876, to collect any uncollected fee bills and any uncollected taxes due him, and which was listed with him for collection during his terms of office, and for which he has in anywise accounted for and paid ; and said John P. Barrett, and any of the deputy sheriffs acting under him, shall have all the powers and privileges for the said time of two years from the first day of March, 1876, to distrain, levy, sell, and garnishee in the collection of any of the said fee bills and taxes due him and remaining in his hands uncollected that sheriffs, constables, and marshals now have by law for the collection of fee bills and taxes.

§ 2. Said John P. Barrett shall have the power and privilege to list said fee bills and taxes, or any part thereof, with any sheriff, constable, or marshal, in whose bailiwick any of the parties who owe any of the said taxes or fee bills may live ; and any such officer with whom any of said taxes and fee bills may be listed shall have the same powers to distrain, levy, sell, &c., in the collection of any of said fee bills and taxes as is conferred on said John P. Barrett, or any of his deputies, by the first section of this act ; and any such officer shall receive and account for, and be responsible on his official bond for, any of said fee bills and taxes so listed in the same manner that such officer by law is now required to receipt, account for, and be responsible for fee bills, taxes, and other dues that may come to his hands for collection.

§ 3. Said Jno. P. Barrett and the sureties on his official bonds shall be responsible to any one injured by an illegal seizure or proceeding under the privileges and powers conferred by this act, and the said John P. Barrett shall be subject to all the penalties now in force by law for issuing or collecting illegal fee bills.

§ 4. This act shall take effect from and after its passage.

Approved February 14, 1876.

CHAPTER 166.

1876.

AN ACT to amend the charter of the town of Shelbyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Shelbyville," approved March 22, 1873, be, and the same is hereby, amended as follows: The police judge of Shelbyville shall make out a report to the board of trustees, at the first meeting in July, October, January, and April of each year, of all such matters as may, from time to time, be required by the ordinances of the town. He shall, before entering upon the duties of his office, execute bond, with good and sufficient security, payable to the Commonwealth, to be approved by the board of trustees, and entered in full upon their records, for the faithful discharge of all his official duties, and may be sued thereon by any one aggrieved by his wrongful acts. The police court of Shelbyville shall have exclusive original jurisdiction of all breaches of the peace committed within said town.

Police judge shall make report

Give bond.

Police court.
Jurisdiction.

§ 2. Whenever any officer appointed by the board of trustees shall fail to qualify, and, if required, execute bond at or before the next regular meeting after he has been duly notified of his appointment, said office shall be considered vacant; and should any member of the board of trustees be absent from its meetings for three months consecutively, the board may, by the vote of a majority of the remaining trustees, upon a resolution to that effect entered upon their records, declare his seat vacant; and all vacancies occurring, as provided in this section, shall be filled as in other cases.

Officers—failure to qualify.

Vacancy—how filled.

§ 3. In addition to the powers now vested in the board of trustees, they shall have the power to appoint annually a public weigher and measurer for the town, and to regulate, by proper ordinances, the duties of said officer, and to provide such penalties for violations of ordinances in relation thereto as they may deem proper, not exceeding a fine of fifty dollars for any single violation. They may require all persons owning or controlling any scales within the town, who shall weigh, or propose to weigh for others thereon for compensation, to take out an annual license therefor, for which they may charge a tax not exceeding fifteen dollars per year; and may, by ordinance, fix adequate penalties for weighing for another

Trustees can appoint public weigher & measurer.

Other powers.

1876. upon any scales for compensation without license. They may fix adequate penalties for selling within the town any goods, wares, merchandise, or produce of any kind, including wood and coal, below the legal standard of weights and measures. They shall have power to license and tax all astrologers, clairvoyants, spiritualists, and necromancers, plying their vocations for profit or hire, in any sum not exceeding twenty-five dollars per year; also all itinerant dealers in goods, wares, or merchandise of any kind (except such as sell at wholesale to merchants of the town, and persons selling literary works by subscription), whether the same be sold by sample, subscription, or otherwise, not exceeding twenty dollars per year; also all persons selling, or proposing to sell, lottery tickets, or prize, or gift-concert, or gift-exhibition tickets of any kind within the town, not exceeding twenty dollars per year. All the licenses mentioned in this section, except those upon scales, may be granted for less than a year, and the board may fix what proportion of the annual tax shall be paid in such cases; and they may prescribe by ordinance adequate penalties to be inflicted upon any person doing any business mentioned herein, within the town, without having first procured the proper license. They shall have power to regulate by ordinance, with adequate penalties, the height and construction of any awning, shade, shelter, or frame for the same, erected over any street or sidewalk, and to remove and prevent the erection of such as do not conform to the regulations so fixed, and to prevent the erection of, or remove, any sign across any street or sidewalk, or projecting or detached from any building, or any sign-post or lamp-post in any street or sidewalk. For guarding against the calamities of fire, they shall have power to prescribe the limits within which wooden buildings or roofs of wood shall not be erected or placed or repaired without the consent of said board, and to prohibit the rebuilding of wooden buildings within the fire limits. They may by ordinance prohibit any domestic animals from running at large, and impound any hogs found running at large within the town, and, after due notice, sell the same for the payment of any expenses incurred in impounding and keeping the same, with such legal fees as may be annexed thereto by ordinance. They may enact penalties for the offenses of gaming and permitting gaming within the town. They may, by agreement with the county court, constitute the jail-house of

1876.

Shelby county a watch-house and work-house, or either; and persons committed to the work-house by judgment of the police court shall be confined at such labor as may be prescribed by ordinance, at the rate of one day for each dollar of said judgment. The jailer of Shelby county shall be the keeper of the watch-house and work-house (so long as said jail constitutes the same), and shall receive therein all persons committed thereto by order of the police judge; and any person arrested by any police or other peace officer of said town, between the hours of eight o'clock P. M. and six o'clock A. M., without such order of commitment; but every person thus confined shall, as soon thereafter as practicable, be taken before the proper tribunal for examination or trial. The fees of the jailer, as keeper of the watch-house and work-house, shall be fixed by ordinance, not to exceed those allowed jailers by the State laws for like services in cases of misdemeanor.

§ 4. The chief of the fire department shall have full police authority in all matters relating to the department, and while on duty may arrest all offenders against law or the ordinances of the town as any other peace officer might do.

§ 5. The assessor's list of property shall be taken so as to include all the real estate within said town, and all such interests therein as are or may be taxable for State revenue; and all males over the age of twenty-one years, except those exempt by law, together with all species and articles of personal property which are or may by State law be subject to taxation for revenue purposes, except spectacles, watches, and pianos; all estate to be listed and taxed according to its cash value in current funds as of the tenth day of January preceding. The assessor, after having taken the list of all the property of each person required to be listed as above, shall require such person, on oath, to fix the amount he or she is worth from notes, accounts, stocks, bonds, bills of exchange, and choses in action, debts and demands, after taking out his or her indebtedness; and the assessor shall set down and list said amount for taxation. (The indebtedness which may be deducted as aforesaid must be just and honest debts, which the person expects to pay, created in good faith, and not with a view to lessen the amount of his or her taxable property.) This section does not include property kept for sale in the shop or store of a manufacturer thereof, nor of a merchant, which

Assessor's list—
what to include.

1876. shall be listed as stores are required to be listed. Upon the return of the tax lists by the assessor, the board shall appoint three supervisors, citizens of the town, who shall examine the assessor's book, and raise or lower the valuation of property as, in their opinion, would be just and right, and shall report their action to the board, and shall be allowed reasonable compensation for their services. Upon said report being made, the board shall at once notify the persons (their agents, representatives, or trustees) the valuation of whose property has been increased by the supervisors; and shall also give a general notice that all who may feel aggrieved by the valuation of their property may appear at a meeting of the board to be held for that purpose, with their evidence, to show the true valuation of such property; and the board of trustees, upon such proof being made before them as aforesaid, may change such valuation.

§ 6. All merchants of every kind, commencing business as such in said town after the tenth of January in any year, shall be classed and listed by the assessor, and taxed for the remainder of such year at the same rates as other stores of the same classes respectively; and after the assessor's list shall have been completed, the clerk of the board shall class and list such merchants, from time to time, and report the same to the board; and, upon their approval, shall certify and deliver said lists to the collector, who shall collect and account for the proper taxes thereon.

§ 7. The annual tax upon each one hundred dollars of value of the real and personal estate directed to be assessed for taxation, shall not exceed twenty (20) cents for the ordinary expenses of the town, including all expenditures, except the payment of the debt existing on the first day of January, 1876. For the purpose of paying the principal and interest of said debt, an additional annual tax of fifteen cents upon the one hundred dollars of value of said estate may be assessed and collected.

§ 8. This act shall take effect from its passage.

Approved February 14, 1876.

CHAPTER 168.

1875.

AN ACT to create a special road law for the county of Pendleton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the magistrates of Pendleton county, in court assembled, or a majority thereof, and they concurring therein, shall, in the month of May next, and in the month of January every two years thereafter, appoint some suitable person in each magisterial district in the said county, as commissioner of roads for said district, who shall, before entering upon the duties of their offices, take the following oath or affirmation : " I, A B, do solemnly swear or affirm that I will fairly and impartially, to the best of my skill and ability, perform the duties of road commissioner during my continuance as such, according to law." And the said commissioners shall at the same time enter into bond, with good security to be approved by said court, payable to the Commonwealth of Kentucky, for the faithful performance of their duties as such commissioners.

§ 2. That it shall be the duty of said commissioners to divide their several districts into convenient road precincts and recommend to the county court for appointment suitable persons as overseers in each precinct, whose duty it shall be to cause the roads in his precinct to be improved and kept in repair agreeable to law.

§ 3. That it shall be the duty of the clerk of the county court of said county of Pendleton, to make out for each of said commissioners a copy from the books of the commissioner of tax of all property and persons in the district of such road commissioner, and furnish the same to them on or before the first day of June in each year, for which he shall receive a reasonable compensation, to be determined by court of claims and paid out of the county levy fund ; and it shall be the duty of the road commissioners, on or before the first day of July of each year, to furnish each overseer appointed by the county court the boundaries of their respective precincts, with a copy of so much of said commissioner's books as will embrace all the persons and property within the bounds of his precinct, showing in an appropriate column the amount of revenue to be paid by each individual within the bounds of his precinct, at a rate to be fixed by the county court of said county at court of claims, not exceeding, how-

1876. ever, ten cents on the one hundred dollars' worth of property subject to taxation for revenue purposes by the laws of this State, and add to that revenue a poll-tax not exceeding three dollars upon each male residing within such precinct between the age of eighteen and fifty years.

§ 4. It shall be the duty of each overseer to notify the individuals within his precinct to work upon the roads within his precinct, at such times and places as he may designate, until each person liable to pay revenue or a poll-tax as aforesaid, have worked upon said road a length of time equal to one day of ten hours for every one dollar and fifty cents to which such tax shall amount, or three dollars per day for a yoke of oxen or two horses and plow or wagon, including the driver, and fifty cents additional for each extra horse; and this estimate shall determine the quantity of work due upon the road by each person liable to the same: *Provided*, That the county court of said county may exempt any person from the whole or any part of the labor which would be due by the aforesaid estimate, to be limited as to time by the court, and that the labor to be done may at all times be performed by able-bodied substitutes within the above ages; and it shall be the duty of the overseers to deduct from allowance of any individual fifteen cents for each hour he shall neglect or refuse to work when properly warned in; and shall, within ten days, notify said delinquent of the amount and intent of the sum so deducted. That the whole of the labor due by any individual shall be payable in one road precinct, convenient to his place of residence, if he resides in the county; and when he resides out of the county, it shall not be deemed necessary for the overseer to notify him, but he shall have the privilege of working out his tax in the precinct in which his land or a majority thereof lies: *Provided*, That nothing in this act shall effect the persons of those residing within the limits of any incorporated town or city in said county who are exempt by the charter of said town or city, but the property of persons residing within said incorporated town or city which shall be situated without the limits of such incorporations, shall be liable to such tax, and the same shall be assessed by the commissioners and placed upon some convenient road precinct in said county; and it shall be the duty of the overseers of each precinct to list all persons or property subject to the payment of a tax under this act

that may be omitted from the lists prepared and delivered to him by the commissioners of his district.

1876.

§ 5. That the overseers shall give the roads in their several precincts one general working during the month of June of each and every year, and shall, on or before the third Monday of October in each year, return to the commissioner of his district the list delivered to him, with the amount of work done by each person upon said list; and for his failure to return said list with the credits aforesaid, he shall be fined one dollar for each day he shall fail or refuse to return the same after the said third Monday of October, to be assessed by the county court upon the information of the commissioner.

§ 6. That upon the return of said lists to them, it shall be the duty of each commissioner to proceed at once to collect, by suit before a magistrate of his district, all tax, either revenue or poll, that is shown to be due by the said list returned by the overseers; and shall be entitled to recover, in such suit, in the name of the Commonwealth, the full amount of tax and deductions made by overseers, together with the costs of suit, and a further penalty of fifteen per cent. upon amount of tax and deductions, and the sum of two dollars and fifteen cents per day for each tithe shown by said to have failed to have paid the amount due from them upon said lists, together with costs of such suit; and all said fines, together with the costs as above, shall be recoverable in the same manner as prescribed by law for the collection of fines due the Commonwealth, and shall be applied, when collected by the said commissioners, to the use of the road precinct in which they arise.

§ 7. The commissioners appointed under this act shall report each year to the county court at its court of claims in November the condition of all roads in their several districts, the amount of all fines collected by them, and the disposition of same, together with such other information as may, from time to time, be required of them by said court, and shall be entitled to receive as compensation for their services the fifteen per cent. penalty due upon all delinquent taxes and deductions, and one dollar per day upon each delinquent tithe, as enacted in section 6 of this act, and such further sum as may seem proper to said court at its said court of claims; and

1876.

said court may require said commissioners to report to them at such other time as they deem necessary.

§ 8. The overseers of roads shall be liable to presentments and fines as by the general law of the State; and the commissioners shall, for a failure to discharge any of the duties required of them, be liable to presentment by the grand jury, and to be fined at the discretion of the jury. The county court shall fill any vacancy that may occur in the office of road commissioner by death, resignation, or otherwise, and may remove said commissioner for malfeasance or misfeasance, or for other good cause.

§ 9. The commissioners may purchase, for the use of their several districts, any tools or implements they think necessary, to be paid for out of the funds collected by them, as above provided, from the precinct where the tools are to be used; and the overseers of each precinct shall receipt to their commissioner for all tools placed under their control by him, and shall be liable for all such tools or implements not satisfactorily accounted for by them, the value of same to be recovered by said commissioner upon suit brought before any justice of the peace in the name of the Commonwealth, and recoverable the same as above provided for delinquent taxes and tithes. The commissioner shall not be liable for any costs in any suit brought by him as such commissioner.

§ 10. The said overseers appointed by the county court shall receive for their services the sum of one dollar and fifty cents for calling out the hands to work on the roads in their precincts, and fifteen cents per hour for overseeing the hands in said precinct, all amount, above the amount of tax due from such overseer, to be paid him by the commissioner of his district out of any money collected by such commissioner out of his precinct, and shall be exempt from services as grand or petit juror during his continuance in office.

§ 11. The general road law of this State is hereby adopted and made part of this act, except when it comes in conflict with the provisions of this act.

§ 12. If it is ascertained that there is an insufficient amount of taxes levied in any district in said county to put the roads therein in good order, then the overseer shall have power to warn the hands within such district to work on the roads therein, and put the same in good condition—not exceeding, however, two days in each year.

§ 13. All other road laws passed for Pendleton county are hereby repealed from and after the date of appointment of commissioners herein provided for.

1876.

Approved February 14, 1876.

CHAPTER 169.

AN ACT to release the sheriff of Allen county from collecting railroad tax, and other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the sheriff of Allen county shall not be required to give bond for the collection of any levy or tax in said county for the purpose of paying the principal or interest on the county bonds of said county issued for railroad purposes, and shall not be held responsible in his official bond for the same.

No bond required of sheriff.

§ 2. That the county court shall, at the instance or motion of any person, or by request, appoint a special collector to collect all taxes or levies in said county for railroad purposes; and shall require bonds, with security, to be approved by the court, for the faithful discharge of all duties incumbent on him.

Court to appoint special collector.

Bond required of same.

§ 3. All laws in conflict with this act are hereby repealed.

§ 4. This act to take effect from its passage.

[Became a law by reason of not being returned by the Governor within ten days.]

CHAPTER 170.

AN ACT to allow the county court of Jessamine county to levy a special tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Jessamine county be, and said court is hereby, empowered and authorized to levy an ad valorem tax upon the taxable property of said county sufficient to raise the sum of five thousand and six (\$5,006) dollars, together with an amount sufficient to pay the interest thereon at the rate of ten per cent. per annum, from the 15th day of March, 1875, till paid; said amount, when raised and collected, to be appropriated and used to repay to the guaran-

1876. tors, citizens of said county, of the right of way to the trustees of the Cincinnati Southern Railroad Company through said county, this being the amount paid by the said guarantors as damages for the right of way as aforesaid.

§ 2. This fund to be collected and paid over as the county court may direct.

§ 3. The county judge may convene the magistrates of said county to lay the above levy at any time.

§ 4. This act to be in force from and after its passage.

[Became a law by the failure of the Governor to return within ten days.]

CHAPTER 171.

AN ACT to incorporate the "Southwestern Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Powers.

§ 1. That a corporation is hereby created, to be known as "The Southwestern Railroad Company," by which name it may contract and be contracted with, sue and be sued; have and use a common seal, alter and renew the same at pleasure; may purchase, hold, sell, lease, convey, or otherwise dispose of or acquire, such real estate, in fee-simple or otherwise, not exceeding two hundred acres, and all personal property necessary, convenient, or suitable for the purposes of the company; shall have perpetual succession, and all other rights, immunities, and privileges that other railroad companies have, use, and enjoy.

Capital stock.

§ 2. The capital stock of said company shall not exceed five hundred thousand dollars, in shares of one hundred dollars each, which stock may be subscribed for and taken by any person, individual, corporation or company; and as soon as four hundred shares of stock are taken, the company may effect an organization by the election of five directors, who shall elect out of their number a president, as hereinafter indicated.

Corporators
may select route,
&c.

§ 3. Said corporation is authorized to build, construct, and operate a railroad from a point to be selected by the president and directors on the Cincinnati Southern Railroad, in Mercer county, to connect with the Louisville and Nashville Railroad, or the Cumberland and Ohio Railroad, at some point as near Lebanon as they deem proper; the route of said road, how-

ever, to pass through and have a depot in the corporate limits of the town of Harrodsburg—the company to select the most feasible route. They may build the road upon any gauge they desire, either in whole or in part, and may double the track, or use both a broad and narrow gauge, in whole or in part. They may build and operate the whole of said line, or any part thereof.

1876.

§ 4. That no lateral road shall be built between said Cincinnati Southern and Cumberland and Ohio Railroads within ten miles of this road, provided this road be completed and put in operation within five years, and as long as said road is kept in operation; but if only a portion of this road is built within the time aforesaid, then any company desiring to fill said link may take so much as is built at cost price, and all the franchises herein granted shall pass to the company so completing.

May sell franchises.

§ 5. That Z. P. McBrayer, P. B. Thompson, jr., D. J. Curry, J. L. Neal, C. A. Hardin, M. Cummins, J. L. Powell, Augustus Jones, W. H. Robinson, J. C. Davis, and S. P. Debaun, or such of them as may act, are hereby appointed commissioners to open books and receive subscriptions to said company, which books may be opened at any time or place any one of them may choose, without any notice; and any one of said commissioners may apply to and receive a subscription from any company, corporation, or person, town, city, district, or county authorized to subscribe, upon any terms or conditions not repugnant to law as such subscriber chooses to impose; the final acceptance of said subscription upon the terms or conditions imposed to be left, however, subject to the ratification of the president and directors, and to be binding upon the subscriber after acceptance or ratification by said president and directors at any time within one year after the subscription. And in case any of the commissioners aforesaid do not act, those who will may fill the vacancy or vacancies by election; and any and all subscriptions made before the passage of this act, looking to its passage and to the building of this road, are now approved and confirmed unto said company; and they may be enforced by it the same as if made since the passage, or may be transferred to it and accepted by it.

Commissioners.

Powers.

Vacancy.

§ 6. That all persons, companies, and corporations who subscribe for stock in said company, and who reside at the time of their subscription in any town, city, county, precinct, or other territorial district, which may thereafter subscribe and

Subscription—how credited.

1876. tax itself, or which has theretofore subscribed and taxed itself by virtue of the provisions of this charter, in aid of said road, shall, upon all tax assessed against such subscriber, be credited by the amount he has subscribed to the extent he has paid his individual subscription, which shall be done by the president drawing an order to the tax collector directing a delivery of the tax receipt; for which orders, so drawn, said collector shall receive credit, but not commission, when taken in by him from such subscriber, but from no one else: *Provided, however,* That said orders shall not be received in payment of any one's tax except the person actually making the subscription.

Proviso.

§ 7. The company may acquire by deed or lease any coal lands or mines, and may deal in coal at their depots by purchase elsewhere and sale and delivery at the same and surrounding country.

Rate of transportation, &c.

§ 8. That said company, when completed from the Cincinnati Southern to Harrodsburg and no further, may, as common carriers, charge such a rate for the transportation of freights and passengers as the company may deem just, provided said rate shall not exceed an amount that will produce, after the payment of all expenses, a net dividend to the stockholders of ten per cent.; and when the rate is fixed, if it produces a greater amount than above allowed, it shall be lowered.

§ 9. The following sections of an act, entitled "An act to incorporate the Cumberland and Ohio Railroad Company," approved February 24th, 1869, are now adopted and made part hereof, so far as not inconsistent with or repugnant to the provisions of this charter, viz: sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17.

§ 10. The following sections of an act, entitled "An act to authorize the trustees of the Cincinnati Southern Railway to acquire the right of way and to extend a line of railway through certain counties of this Commonwealth," approved February 13, 1872, are now adopted and made part hereof, so far as not inconsistent with or repugnant to this charter, viz: sections 3, 4, 5, 6, 7, 8, 9.

§ 11. That the employees and operators of the road, and persons receiving injury to themselves or property by said road, are hereby given a lien on the rolling stock and other personal property and assets of said company for the payment

of their wages or the amount of any contracts entered into by such employes or operators with said company. 1876.

§ 12. The Legislature hereby reserves the right to alter, amend, or repeal this act.

§ 13. This act shall take effect from and after its passage.

Approved February 15, 1876

CHAPTER 172.

AN ACT for the benefit of Thomas H. Spradlin, committee for David Spradlin, an idiot of Wayne county.

WHEREAS, No inquest having been held in the case of David Spradlin, a pauper idiot of Wayne county, for upwards of five years previous to the 5th May, 1875; and it appearing to this General Assembly that said idiot is still alive and in the care of his committee; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Thomas H. Spradlin, committee for said idiot, for such sums of money as he is entitled by law, as if an inquest had been held 5th of May, 1875, until the next term of the Wayne circuit court, when an inquest can be had in said case.

§ 2. This act shall take effect from its passage.

Approved February 15, 1876.

CHAPTER 173.

AN ACT conferring jurisdiction on the Louisville chancery court over the estate of Samuel B. Thomas, deceased, and authority to adjudicate and settle the accounts of the trustee under the will of said Thomas.

WHEREAS, It is represented by petition that Samuel B. Thomas lived and died in the county of Hardin, where his will was probated and executor qualified; that the greater portion of the property belonging to his estate is in the county of Jefferson, and by the terms of said will the estate is held in trust for said Thomas' daughters, Ella Thomas Welch and Mary E. Payne, and the trustee is directed to sell

1876. all property of said trust lying out of Jefferson county, and reinvest the proceeds in improved real estate in the city of Louisville, and that said trustee resides in Jefferson county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Louisville chancery court shall have power, and jurisdiction is hereby given and conferred in said court, when proper pleadings are filed, to settle and determine all questions arising under said will, and to settle the accounts of the executor of and trustee under said will, and may, from time to time, cause said settlements to be made; and when said settlements shall have been made, are to have the same effect as if made in any court having jurisdiction of the matter.

§ 2. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved February 15, 1876.

CHAPTER 174.

AN ACT to provide for districting Ohio county into justices' districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the presiding judge of the Ohio county court, at any regular term of said court held by the county judge, to appoint three commissioners to divide said county into justices' districts of convenient size; said commissioners shall make their report of division in writing, which shall be subject to alteration and approval by the Ohio county court at any regular term of said court held by the county judge.

§ 2. The commissioners may also sub-divide one or more of said justices' districts into two or more voting or election precincts, and report the same to the county court of Ohio at any regular term of said court held by the county judge, and subject to alteration and approval by the Ohio county court. The commissioners shall be paid for their services out of the county levy.

§ 3. At the next general election of justices of the peace and constable, two justices of the peace and one constable shall be elected in the districts established under and by virtue of the provisions of this act.

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§ 4. The districts shall remain as now established until the next general election of justices and constables, and any change which may be made under and by virtue of the provisions of this act shall not take effect until said election.

§ 5. This act shall take effect from its passage.

Approved February 15, 1876.

CHAPTER 175.

AN ACT to amend an act, entitled "An act to incorporate the Westport, Carrollton, and Ghent Railway Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Westport, Carrollton, and Ghent Railway Company," approved March 28, 1872, be so amended as to authorize and empower any company that may hereafter be created and organized under and in pursuance with said act, and this amendment thereto, to locate, construct, equip, and use a railway from the point designated in said act at or near the town of Ghent, in Carroll county, to a point at or in the city of Covington, in the county of Kenton, in the State of Kentucky, as well as that part of said road between said point at Ghent and the point named in said act at or near the town of Westport, upon such route as said company may deem most fit and expedient, through the counties of Carroll, Gallatin, Boone, and Kenton; and that the incorporate name of said company shall hereafter be "The Westport, Carrollton, and Covington Railway Company," and in that name it shall have and enjoy all the rights, privileges, powers, and immunities recited and set forth in said act and this amendment, and shall be subject to all liabilities, restrictions, and obligation named in said act, except that said company shall not have the power to cause a tax to be levied in any manner whatever in the counties of Gallatin, Boone, and Kenton for the purpose of constructing or equipping said railway, or for the purpose of paying interest on

1876. any bonds which may be issued for the purpose of raising money for the construction of said railway.

§ 2. That John A. Gex, Albert G. Craig, H. I. Abbott, Rod. Perry, John J. Landrum, and Ben. S. Lindsay, of the county of Gallatin; and Fielding Dickey, Siborn Brady, Lewis Conner, Noah Clore, I. A. Gaines, and James Wilson, of the county of Boone; and James B. Casey, John B. Foster, W. E. Ashbrook, and J. M. Fisher, of the county of Kenton, be, and they are hereby, appointed commissioners, in addition to those named in the first section of said act, and for the purposes named in said act.

§ 3. That the employes and operators of said railway company are hereby given a prior lien on the rolling stock and other personal property and assets of said company for the payment of their wages, or the amount of any contracts entered into by such employes or operators with said company, provided such claim or demand shall be by suit commenced within one year after the same is due.

§ 4. That this act take effect and be in force from its passage.

Approved February 15, 1876.

CHAPTER 176.

AN ACT for the benefit of John Wallace, late clerk of Boone county circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from date of this act be granted to John Wallace, late clerk of Boone county circuit court, for the collection of fee bills, and that during the said two years he shall have power to distrain for the collection of the same: *Provided, however,* That he shall not be relieved from the pains and penalties attached to the collection of fee bills as provided in the General Statutes.

§ 2. This act to take effect from its passage.

Approved February 15, 1876.

CHAPTER 177.

1876.

AN ACT for the benefit of Jno. P. Salyer and Augustus Arnett, of Magoffin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor shall draw his warrant on the Treasurer for forty-four dollars, in favor of John P. Salyer and Augustus Arnett, of Magoffin county, Kentucky, the same being allowed the said John P. Salyer and Augustus Arnett and hereby appropriated in compensation for services and expenses incurred in bringing Zerilda Howard, a pauper lunatic, from Salyersville, Magoffin county, to the Lexington lunatic asylum.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1876.

CHAPTER 178.

AN ACT to amend an act, entitled " An act to amend an act, entitled ' An act to incorporate the Louisville Orphans' Home Society,' " approved February 23, 1849, and March 10, 1870.

WHEREAS, By an act of the General Assembly of the Commonwealth of Kentucky, approved March 10, 1870, the Louisville Presbyterian Orphans' Asylum was incorporated and authorized to adopt a constitution ; and whereas, said asylum did adopt a constitution, in which provision was made for the education of certain of its wards for the vocation of teaching ; and whereas, said Louisville Presbyterian Orphans' Asylum desires to change its name, and to establish educational institutions for males and females ; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the name of the Louisville Presbyterian Orphans' Asylum is changed to that of the Louisville Presbyterian Orphanage, and by such name is declared to be the true and lawful successor of the Louisville Presbyterian Orphans' Asylum ; and entitled to hold, exercise, use, and control its rights, franchises, and property, in the manner provided in the act incorporating the Louisville Orphans' Home Society, and Louisville Presbyterian Orphans' Asylum.

1876.

§ 2. That said Louisville Presbyterian Orphanage shall have the right to receive children from their parents, or to take and receive children from their guardians, or children who have no parents or guardians, or have children bound to it by any of the courts of this Commonwealth; and may retain the control or custody of such children until they attain the age of twenty-one years, or in case said orphanage may deem such a course proper, bind out said children to any trade or calling, or by proper articles, allow and provide for the adoption of such children by persons who may be considered suitable for such a trust.

May establish
schools.

§ 3. Said Louisville Presbyterian Orphanage may found and establish in the city of Louisville, Kentucky, or its vicinity, male or female schools for the education of the inmates of said orphanage or others; said female school to be called "Bellewood Seminary, and Kentucky Presbyterian Normal School;" and said male school to be called "Kentucky Presbyterian Male Normal School;" and said schools shall be under the control and supervision of the board of trustees or other officers managing the said Louisville Presbyterian Orphanage, under the constitution heretofore adopted or hereafter amended by the said Louisville Presbyterian Orphans' Asylum; said schools may each have a seal, and are empowered to confer any degrees or titles conferred by any of the other colleges or seminaries chartered by the State of Kentucky; and said Louisville Presbyterian Orphanage shall have the right to receive donations, bequests, legacies, or devises of real or personal property for the aid or maintenance of said schools.

Power to re-
ceive donations,
&c.

§ 4. Said Louisville Presbyterian Orphanage may establish honorary memberships or scholarship in said corporation; and may do and perform all the acts done or performed by other educational or philanthropic institutions chartered by this Commonwealth; and may ordain and declare offices for the management of the said schools named in this act.

§ 5. This act shall take effect from and after its passage.

Approved February 15, 1876.

CHAPTER 179.

1876.

AN ACT to incorporate the Southern Baptist Theological Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Hunt, Squire L. Helm, Hiram Woods, jr., Jeremiah B. Jeter, J. L. M. Curry, William F. Broaddus, Thomas H. Pritchard, W. M. Wingate, M. E. Heck, James C. Furman, Thomas J. Earle, J. O. B. Dargan, Joseph A. Lawton, Julius C. Smith, James K. Mendenhall, Thomas P. Smith, Thomas P. Lide, Lewis H. Shuck, James L. Reynolds, Joseph E. Brown, Patrick H. Mell, D. A. Vason, Samuel Henderson, D. W. Gwin, I. T. Tichenor, M. W. Phillips, E. D. Miller, T. G. Jones, M. Hillsman, J. B. Wornall, J. T. Williams, and John H. Luther, and their associates and successors in office, trustees of the Southern Baptist Theological Seminary, an institution of learning about to be located at Louisville, Kentucky, shall be, and they are hereby, created a body-politic and corporate by the name and style of "The Southern Baptist Theological Seminary," and, by said name, shall have perpetual succession of officers and members, according to the by-laws they may establish; and for that purpose the said corporation shall have power to ordain all such by-laws, for the regulation of their succession and government, and for the organization and government of the said institution of learning, as they may deem necessary, not inconsistent with the laws of this State or of the United States; to have, use, and keep a common seal, and the same to break and alter at will; to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State or the United States; and to have and enjoy every right, power, and privilege incident to such corporations; and the said corporation is hereby empowered to have, hold, retain, possess, and enjoy all such property as they now have, or are entitled to, or which has been given, granted, or devised, or shall hereafter be given, granted, or devised thereto, or in any manner acquired thereby, and the same to sell, alien, or transfer at pleasure; and the same likewise to hold, exempt from any taxes or assessments of whatever kind, whether State, county, or municipal, or otherwise: *Provided*, That the sum so held shall not, at any one time, exceed the value of two millions of dollars: *And provided also*, That the income alone

1876. derived from the rents, profits, dividends, and other annual proceeds of the estate, funds, and investments of the said corporation, together with such funds as shall be or have been given specifically for annual expenditures, shall be liable for the current expenses, or shall be expended for the annual support and maintenance of the institution thus established, and the principal of the said estate shall be sacredly kept untouched, except for permanent improvements and such changes of investment as the trustees may make from time to time: *Provided further*, That the trustees of said corporation shall preserve inviolate and maintain forever, in the management and control of this institution, the fundamental laws established by the educational convention which met at Greenville, South Carolina, on the last day of April, in the year of our Lord one thousand eight hundred and fifty-eight, by which the Southern Baptist Theological Seminary, an institution chartered by the General Assembly of the State of South Carolina on the twenty-first day of December, one thousand eight hundred and fifty-eight, was established; and the corporation created by this act is hereby authorized and empowered to receive all property which may be transferred to it by the corporation created by the General Assembly of the State of South Carolina as aforesaid, and to assume all the trusts associated therewith.

§ 2. That this act shall be deemed and taken to be a public act, and have perpetual continuance and authority.

Approved February 15, 1876.

CHAPTER 180.

AN ACT to refund to J. E. Abbott, administrator of D. C. Doran, certain damages paid to the State.

WHEREAS, D. C. Doran was sheriff of Hart county in 1871, and on account of bodily affliction, failing to collect and pay over all the revenue in due time, and judgment was rendered against him and his sureties for a balance due and three hundred and seventy-seven dollars and forty-one cents damages, all of which has been fully paid into the State Treasury by J. E. Abbott, who was a deputy of said Doran and his administrator; and whereas, it appears that said Doran died of his said affliction, leaving an afflicted family, pecuniarily embarrassed; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky : 1876.

§ 1. That the sum of three hundred and seventy-seven dollars and forty-one cents, the damages paid by J. E. Abbott, administrator of D. C. Doran, to the Auditor of Public Accounts, be, and the same is hereby, directed to be refunded.

§ 2. That the Auditor of Public Accounts draw his warrant on the Treasury in favor of J. E. Abbott, administrator of D. C. Doran, for the sum of three hundred and seventy-seven dollars and forty-one cents, to reimburse the family of said Doran for said payments of damages.

§ 3. This act to take effect from and after its passage.

Approved February 15, 1876.

CHAPTER 181.

AN ACT to amend chapter 28, article 18, title "Courts," General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That article 18 of chapter 28 of the General Statutes be so amended as that the presiding judge of the county of Monroe shall have a discretion in fixing the time of holding the justices' courts of said county, and shall not be required to fix a day for holding of said courts in the months of March, June, September, and December in each year, as now provided by law.

§ 2. This act to take effect from and after its passage.

Approved February 16, 1876.

CHAPTER 182.

AN ACT to amend the charter of the Widows and Orphans' Home of the Methodist Episcopal Church, South, in Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section fifth of the act to incorporate the Methodist Episcopal Church, South, Widows and Orphans' Home, approved March the 18th, 1871, be so amended as to give to the members of said corporation the power to add from two to eight members to the present number of directors.

1876. § 2. That section sixth of said act be so amended as to constitute seven members of the board of directors a quorum to transact all business.

§ 3. This act shall take effect from and after its passage.

Approved February 16, 1876.

CHAPTER 183.

AN ACT for the construction and completion of turnpike roads in Robertson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the written application of a majority of the real estate owners, whose property is to be assessed under this act, living along the line of any projected turnpike road in said county of Robertson, within one and one half miles of such road, made to the county court of said county, said court may appoint five commissioners, any three of whom may act, neither of whom shall live nearer than five miles to the road which is proposed to pike; which said commissioners, when so appointed, shall proceed to ascertain the amount of real and personal property owned by each individual living within one and one half miles of the line of said road, and shall make a full and complete report thereof to said county court.

§ 2. That upon a report made as provided in section first of this act, the said court shall order an election to be held for the election of seven directors, to be selected from the list of property-holders along the line of said road, as reported by the commissioners under the provisions of the first section of this act; and at such elections no one shall be deemed entitled to vote for such directors except the list of property-holders above named.

§ 3. At all elections for directors held under this act, each property-holder shall be entitled to representation in proportion to the amount of property owned by him or her, allowing such property-owner one vote for each one hundred dollars' worth of property, as reported by said commissioners, for taxation: *Provided*, That owning less than one hundred dollars' worth of property, and more than fifty dollars' worth, as shown by said commissioners' report, shall be entitled to one vote at such election of directors.

1876.

§ 4. No person other than a property-holder along the line of such road, as reported by said commissioners, shall be deemed eligible as a director.

§ 5. The said directors, when so elected, shall proceed to select one of their own number as president and another as treasurer of said company, whose duties, powers, and obligations shall be such as are conferred and imposed by the provisions of the general turnpike laws of this Commonwealth.

§ 6. The said commissioners appointed under the first section of this act shall, upon the election of the president and directors of said road, as hereinbefore provided, proceed to assess a tax upon all the property reported by them to the said court, as before provided, for the purpose of constructing or completing the turnpike thereon; such tax to be levied in proportion to the benefits to accrue to such property as, in the opinion of said commissioners, may be equitable and just; but said tax shall in no case exceed three dollars upon the one hundred dollars' worth of property; and when such assessment is made, it shall be returned by said commissioners to the said county court to be approved by said court.

§ 7. When the assessment shall have been made as herein provided, and approved by the county court, the said treasurer shall proceed to collect the same, and for that purpose shall have the powers and privileges conferred upon sheriffs by the laws of this Commonwealth; but before proceeding to collect the said taxes, he shall execute bond for the full amount of said tax so levied, with good and sufficient security, to be approved by the county court, and conditioned for the faithful performance of his duties; and the said bond shall be filed in the county court clerk's office.

§ 8. The said president and directors shall have power to appropriate the money arising from the taxes levied and collected to the construction or completion of the said turnpike road.

§ 9. The president and directors shall have power to receive and apply to the construction of said turnpike road such subscriptions as the county court is authorized under the general turnpike laws of this State to subscribe stock in turnpike roads, and shall be authorized to erect toll-gates upon said roads and collect toll thereon as provided for by the general

1876. turnpike laws of this State: *Provided*, That no person shall be compelled to pay toll on said road who has paid the tax levied on him by the provisions of this act.

§ 10. The county court is hereby authorized to make appropriations, as in the case of other turnpike roads built in said county.

§ 11. Whenever a projected turnpike road, to be built under the provisions of this act, runs parallel to another turnpike road within said county, and within an average distance of less than one and one half miles thereof, the assessment of property, as herein provided, shall not be made for more than one half the distance between said roads.

§ 12. The election for president and directors of any turnpike road constructed under this act shall take place annually.

§ 13. Certificates shall be issued by the secretary to each person for his or her tax when paid; and upon presentation of such certificates in sums of not less than fifty dollars, stock in said company shall be delivered by said treasurer.

§ 14. At all elections for president and directors, other than the first one held under this act, each stockholder shall vote one vote for each fifty dollars' worth of stock owned or held by such person.

§ 15. Stock may be voted by proxy; but no person other than a stockholder shall be entitled to vote except it be when acting as proxy.

§ 16. Any road commenced under the provisions of this act, whose length is not less than five miles, the president and directors, and their successors in office, shall not be compelled to complete said road in less than five years unless an amount shall be realized to complete said under the provisions of this in a shorter time. In that case it shall be their duty to cause said road to be completed without delay.

§ 17. This act to take effect from its passage.

Approved February 16, 1876.

CHAPTER 184.

1876.

AN ACT concerning the joint expenses of the county of Jefferson and city of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of Jefferson and the city of Louisville shall pay for water, lights, and fuel for the county jail under their contract, as it now exists for joint expenses, or under any contract that may hereafter exist between said county and city to defray the joint expenses of said county and city.

§ 2. This act to take effect from its passage.

Approved February 16, 1876.

CHAPTER 185.

AN ACT for the benefit of the sureties of Jno. F. Tyler, late sheriff of Fulton county.

WHEREAS, Jno. F. Tyler, late sheriff of Fulton, died without having collected all of the revenue and county levy of Fulton county for the years 1873 and 1874, and was largely in default both to the State and county, which has been settled and paid off by his sureties, Madison Adams, T. D. Barnes, and H. A. Tyler; and whereas, B. R. Walker was, and has been, appointed, qualified as his successor as sheriff of said Fulton county, with the express understanding that he was to and should collect said arrearages of tax for the years 1873 and 1874; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said B. R. Walker, sheriff of Fulton county, Kentucky, be, and he is hereby, empowered, authorized, and directed to collect all of said taxes and county levy as are in arrears; and for said purpose is hereby vested with all the powers possessed by the late sheriff, Jno. F. Tyler, when living, to enforce their payment.

§ 2. That all of said taxes, less his commission, which shall be the same as would have been allowed by law to Jno. F. Tyler, shall, when collected by the said B. R. Walker, be paid over to the said sureties, Madison Adams, T. D. Barnes, and H. A. Tyler.

1876. § 3. That said B. R. Walker shall be allowed until the next annual meeting of the court of claims in and for Fulton county in which to collect said taxes and pay over the same, at which time he shall make out and submit to said court of claims the delinquent list for the year 1873 and the year 1874, upon which they are directed to act as if they had been regularly submitted in 1873 and 1874.

§ 4. That should the said B. R. Walker fail to collect any part of or all of said taxes, or pay the same over as directed herein, the said Madison Adams, T. D. Barnes, and H. A. Tyler may institute at common law an action in the Fulton circuit against the said B. R. Walker for the recovery of whatever amount may be in arrears; and the said Fulton circuit court is hereby vested with jurisdiction over such proceedings.

§ 5. This act shall take effect and be in force from and after its passage.

Approved February 15, 1876.

CHAPTER 186.

AN ACT for the benefit of Stephen Nethercutt, late sheriff and collector of the revenue of Carter county.

WHEREAS, Stephen Nethercutt, sheriff and collector of the revenue taxes due the State in the county of Carter for the year 1874, by reason of pecuniary embarrassment existing in said county, and the many financial failures therein, failed to collect said revenue, and there was a judgment rendered at the June term, 1875, of the Franklin circuit court, in favor of the Commonwealth of Kentucky against said Nethercutt and the sureties in his official bond, for the sum of \$4,857 76, with interest thereon at the rate of ten per centum per annum from the first day of June, 1874, until paid, being the balance due by said Nethercutt on the revenue due the State, on a settlement of his accounts on the first day of April, 1875; the penalty of ten per centum interest on said sum by law, relating back to the first day of June, 1874 (the time when the tax books for said taxes were placed in his hands for collection), by reason of his failure to collect and pay over said revenue on or before the first day of April, 1875; and said Nethercutt having, since the rendition of said judgment, paid into the Treasury a large portion of the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

1876.

§ 1. That the interest adjudged against said Stephen Nethercutt and his sureties, by the judgment of the Franklin circuit court, at its June term, 1875, in favor of the Commonwealth of Kentucky, from the first day of June, 1874, to the first day of April, 1875 (the time that said revenue was payable into the Treasury, being \$404 81 interest before due), be, and the same is hereby, remitted, and not to be collected off of said sheriff or his sureties on the payment of the residue of said judgment.

2. That this act shall take effect and be in force from and after its passage.

Approved February 17, 1876.

CHAPTER 187.

AN ACT establishing a bank of deposit in the town of Grayson, Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of deposit in the town of Grayson, Carter county, with a capital not to exceed one hundred thousand (\$100,000) dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the "Grayson Banking Company," and shall so continue for the term of twenty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, and of answering and defending, in all courts and places whatsoever; it may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be managed and controlled by a board of directors, each of whom shall be a stockholder and shall be elected annually; and, after the first election, shall be elected on the first Monday in March of each succeeding year thereafter, and shall hold office until their successors are elected and qualified; at all elections, each stockholder shall

1876. be entitled to one vote for each share of stock owned and held by him. It shall be the duty of the board of directors, immediately after organization, to elect a president and employ a cashier, whose respective duties shall be the same as is usual with other banking institutions. Said officers may adopt such by-laws as they may deem necessary for the convenience of their meetings and to regulate the management of their business. Said meetings shall be held in the office or counting-room of said banking company, or at such place as the directors may designate. And in case of death or resignation of any one of the officers, the remaining officers shall appoint to fill the vacancy from the stockholders of said corporation; and shall receive from the cashier or other employee such bond as they may deem necessary and reasonable for the faithful performance of his duty. The payment of the shares subscribed shall all be made on or before the day of organization of said corporation. Said corporation may commence business as soon as forty thousand (\$40,000) dollars shall have been paid in to the cashier of said banking company, and the president or cashier shall have made oath to the fact of such payment before some judge or justice. Said officers shall have power to regulate the payment of any additional stock over and above the forty thousand dollars first paid into said business.

§ 3. The stock of the said bank shall be deemed personal property, and shall be assignable according to such rules as the officers of said corporation shall from time to time establish.

§ 4. Said bank shall receive deposits in gold, silver, bank notes, and other notes that may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not to exceed six per cent. per annum, as may be agreed upon with the depositors by special or general contract; may deal in exchange, loan money, or discount notes and other evidences of debt; take personal security and other securities for the payment thereof, and dispose of the latter as may be agreed upon, in all respects as natural persons may do under the law of the State of Kentucky.

§ 5. The said corporation may acquire, hold, and possess, use, occupy, and enjoy, all such real estate, goods and chattels, as may suit its convenience for the transaction of busi-

ness, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, decree, or otherwise, and sell and convey the same as it may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

1876.

§ 6. James Osenton, C. C. Magann, Merritt Magann, E. B. Wilboit, W. D. Jones, and J. D. Jones, are hereby appointed commissioners, any two of whom may open books and receive subscription for the capital stock; and when four hundred shares shall have been subscribed thereto, it shall be their duty to give notice by printed advertisements, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing annual election, and until their successors are elected and qualified.

§ 7. It shall not be lawful for said bank to issue any note or bill to be passed and used as currency.

§ 8. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose, and to amend or repeal this act. The organization provided for in this act shall take place within two years after the passage of this act, and not afterwards.

§ 9. This act shall take effect from and after its passage.

Approved February 17, 1876.

CHAPTER 188.

AN ACT for the benefit of James L. Webb, assessor for Boyle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James L. Webb, tax assessor for Boyle county, be, and he is hereby, authorized to appoint his son, George L. Webb, deputy assessor for Boyle county, notwithstanding the said George L. Webb is under twenty-four years of age.

§ 2. Said George L. Webb, when appointed and sworn, shall have all the rights and incur all the penalties now provided by law applicable to assessors of tax and their deputies in this Commonwealth.

§ 3. This act shall take effect from its passage.

Approved February 17, 1876.

1876.

CHAPTER 189.

AN ACT to incorporate the Kentucky Trotting Horse Breeders' Association.

WHEREAS, It appears that R. West, Jno. R. Viley, Alex. Coons, M. M. Clay, A. H. Davenport, R. T. Anderson, R. G. Stoner, Hunt Bros., Jos. H. Ewalt, Thos. L. Coons, A. J. Peters, J. L. Cogar, H. H. Gratz, T. J. Megibben, G. H. Buford, D. Muckle, Jno. B. Wilgus, Jas. F. Robinson, jr., W. H. Wilson, H. P. McGrath, R. Ferguson, S. S. Goodloe, Jas. T. Shackelford, J. Henry Chiles, Jno. C. Breckinridge, Jas. Miller, Jno. S. Lail, H. M. Bowman, W. G. Cooke, A. J. Alexander, Isaac Smith, Wm. Preston, Levi Herr, B. J. Treacy, Jos. M. Patterson, W. W. Smith, and H. T. Duncan, jr., have united themselves and formed an association for the improvement of the breed of horses; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said above named thirty eight members of said association and their successors be incorporated, and they are hereby created a body-politic and corporate, under the name and style of "The Kentucky Trotting Horse Breeders' Association," and by that name shall have perpetual succession, with all the powers incident to corporations for limited purposes.

§ 2. That all the property owned and moneys held by said association shall be, and is hereby, vested in said corporation; and that said corporation shall be, and is hereby, authorized to acquire, either by purchase, gift, or lease, such real estate as may be necessary for the purposes of said corporation, not to exceed, at any one time, two hundred acres; and to acquire and hold personal estate, provided the same shall at no one time exceed fifty thousand dollars in value; and may sell, alien, and convey said real and personal estate in manner and form as may be directed by the rules and by-laws hereinafter provided for.

§ 3. That the shareholders of said corporation shall have power to elect such officers as may seem to them necessary for the management of their business; and, by rules and by-laws, to prescribe the duties of said officers and provide for the regulation of their concerns.

§ 4. The capital stock of said corporation shall consist of fifty shares, at a par value of two hundred and fifty dollars;

but the number of said shares may be increased whenever it may appear necessary to the interests of said corporation : *Provided, however,* That the capital stock of said corporation shall not exceed, at its par value, the sum of one hundred thousand dollars. The association may select the persons desiring to purchase shares of stock therein, and may, at their option, reject such applicants for membership as may not be deemed proper persons to aid in the improvement of the breed of horses, and may expel any member : *Provided, however,* When any member shall be expelled the association shall pay to him the market value of his share or shares of stock at the time of said expulsion, and the title to said share or shares shall thereby vest in said association.

1876.

May select purchasers of stock.

§ 5. That the shares of said corporation shall be deemed personal estate ; and shall be transferable in such manner and subject to such limitations as said corporation shall, by its rules and by-laws, prescribe.

§ 6. That such portions of the amounts heretofore subscribed by the aforesaid members of said association as have not already been paid into said association shall become due and payable at such times and in such amounts as the said corporation may hereafter, in its rules and by-laws, prescribe.

§ 7. That the officers of said corporation shall have the power to appoint such number of special police as shall to them seem necessary for the purpose of preserving order and enforcing the rules of said corporation during such public exhibitions as said corporation may hold. Such special police shall be paid by said corporation, and shall, during said exhibitions, have all the powers of constables to preserve order and enforce the rules of the association upon the grounds whereon said exhibitions may be held, and to make arrests for any breaches of the peace or violations of the laws of the Commonwealth and of the ordinances of any city within the limits of which such violations shall occur, committed within one fourth of a mile of said grounds.

May appoint police.

Approved February 17, 1876.

1876.

CHAPTER 190.

AN ACT repealing an act incorporating town of Roaring Springs, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts or parts of acts incorporating the town of Roaring Springs, in Trigg county, be, and the same are hereby, repealed.

§ 2. This act to take effect from its passage.

Approved February 17, 1876.

CHAPTER 191.

AN ACT to prevent stock from running at large in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Penalty.

§ 1. Any person being the owner, or having the custody or control of any stock, of any kind, who shall suffer or permit said stock to run at large or be without his own inclosure or premises under his charge, unless under the care of some competent attendant, shall be fined in any amount not less than \$1 nor more than \$20, to be recovered by warrant in the name of the Commonwealth, before any justice of the peace.

Action for injury, &c.

§ 2. Any person whose premises or property may be injured by stock running at large, with the knowledge, permission, or consent of the owner, shall have a right of action against the owner of such stock, notwithstanding the premises or property so injured may not be inclosed by a lawful fence as now required by law, for any damages he may have sustained; and may also have a lien upon the stock so trespassing to satisfy any judgment he may recover; and may also have execution levied upon said stock, and the same sold in satisfaction thereof, notwithstanding it may be exempt from said levy and sale under the present law.

§ 3. Any person finding any stock upon his premises or on premises under his control shall have the right to take up and hold the same as estrays are now taken up and held.

§ 4. This act shall apply only to that portion of Campbell county outside of the magisterial district of Grant's Lick.

§ 5. This act shall take effect from the first day of August, 1876.

Approved February 17, 1876.

CHAPTER 192.

1876.

AN ACT to prohibit stock from running at large on turnpike roads in Woodford, Boyle, and Garrard counties.

WHEREAS, Accidents do frequently occur on turnpike roads to travelers by reason of stock running at large on said roads; and whereas, it is questionable whether or not the road company is responsible for such accidents; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any one to turn loose or permit their stock of any kind to remain on any turnpike road in the counties of Woodford, Boyle, and Garrard when due notice shall be given, as hereinafter provided, by said company, that the provisions of this bill shall apply to their road.

§ 2. *Be it further enacted,* That the company of any turnpike road in the counties of Woodford, Boyle, and Garrard desiring to prohibit stock from running on their road shall post up at each of their toll-gates, and on the court-house door, and file with the county court clerk to be recorded, a printed notice, that from and after the expiration of three days from the posting of said notices all stock must be kept off of said road.

§ 3. *Be it further enacted,* If any person or persons, after said notices have been posted and recorded as herein directed, shall turn loose or permit their stock to run on said road, the party or parties so offending shall be deemed guilty of a trespass, and, upon presentation before any magistrate in the county, fined not less than five nor more than ten dollars; and said fines shall be recoverable in the same manner as now required by law in like offenses.

§ 4. This act shall take effect from and after its passage.

Approved February 17, 1876.

CHAPTER 193.

AN ACT to amend an act, entitled "An act to incorporate the Bowling Green Manufacturing Company," approved February, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of said act be, and the same is hereby, amended so as to read, five hundred thousand dollars,

1876. instead of fifty thousand dollars; and that said company may purchase or lease real estate to the value of one hundred thousand dollars, exclusive of machinery on same; and a majority in interest of the stockholders of said company may, from time to time, permit additional stock to be subscribed for until the whole amount authorized by this amendment shall be taken.

§ 2. That in event of a vacancy occurring in the board of managers by reason of death, resignation, or other cause, the remaining members of said board shall fill said vacancy by electing a suitable person for the unexpired term.

§ 3. The board of managers shall have power to issue bonds in amount not exceeding fifty thousand dollars at any time, including, when an issue is made, those already issued and outstanding; said bonds to run ten or twenty years, as deemed best by said board, but redeemable at the pleasure of the board any time after five years; said bonds to bear interest not exceeding eight per cent. per annum, payable semi-annually, with coupons attached; and said board shall, at the time of issuing any bonds authorized by this act, execute a mortgage, second mortgage or third mortgage, as the case may be, upon all the real estate and machinery owned by said company to secure the payment of said bonds and the interest that may accrue thereon—any money realized by the sale of said bonds to be used exclusively for conducting the legitimate business of said company.

§ 4. This act to take effect from its passage.

Approved February 18, 1876.

CHAPTER 194.

AN ACT to prevent stock from running at large in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person owning or having care of any horse, jack, jennet, mule, cattle, sheep, or hog, to permit the same to run at large; and any person so offending shall be liable to such penalties as are prescribed and provided for in this act.

§ 2. Whenever any stock of the kinds named in section one of this act shall be found running at large, it shall be the

duty of the sheriff or his deputies, or the constable of the district where such stock is found, to seize upon and impound said stock, and provide for their care and keeping until the owner or owners of such stock shall have redeemed them by the payment of all fees and costs of every kind incident to said procedure.

1876.

§ 3. Whenever any stock shall be found trespassing upon the inclosure of any person, the owner of such stock shall be liable for all damages done, and for all fees and costs incident to the prosecution of such trespass, recoverable before any officer of competent jurisdiction; and the party injured shall have a lien upon such stock for all damages, costs, and fees.

§ 4. For taking up stock running at large, or committing trespass, the officer shall be entitled to the following fees: for each horse, jack, jennet, mule or colt over six months old, one dollar; for each bull, cow, steer, heifer, or calf over six months old, fifty cents; for each sheep or hog over three months old, twenty-five cents.

§ 5. It shall be the duty of the officer making the seizure to give notice within five days (if the owner is known) from date of seizure, to the owner or keeper of stock; and if stock found offending against this act is not redeemed within five days after service of notice, said officer shall advertise (ten days before selling) such stock for sale in the precinct where said stock was seized upon. The sale shall be proceeded with in the same manner as sales are conducted on executions for the recovery of debt. The sale shall be made on a credit of three months, the purchaser giving bond, with approved security; and for sale and advertiseing shall receive the same commission and fees as are allowed for sales under execution for debt.

§ 6. Where farms are lying contiguous, there being a division fence between them, the provisions of the General Statutes in such cases made and provided shall govern.

§ 7. The county court shall give due notice of the passage of this act by causing four printed copies of it to be posted in each magisterial district of the county.

§ 8. This act shall apply to the county of Boone.

§ 9. This act shall take effect from the first day of August, 1876.

Approved February 18, 1876.

1876.

CHAPTER 195.

AN ACT to amend an act incorporating the town of Grayson, Carter county, approved 22d February, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 456 of an act, entitled "An act to incorporate the town of Grayson," approved 22d February, 1860, be amended as follows: That all real estate situated inside the corporate limits of said town, not laid off into town lots and not used solely for agricultural purposes, shall be liable to taxation in the same manner as other real estate is now liable in said town under said act to which this is an amendment.

§ 2. This act shall take effect from and after its passage.

Approved February 18, 1876.

CHAPTER 196.

AN ACT for the benefit of Thos. J. Smith, sheriff of Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thos. J. Smith, sheriff of Ohio county, may settle with the commissioner of the sinking fund for all taxes collected in the town of Hartford under and by virtue of the act incorporating the Hartford Railroad and Mining Company, and the act amendatory thereto, and resign the office of collector of said taxes without forfeiting his office as sheriff of Ohio county.

Sheriff may settle with commissioners of sinking fund

§ 2. This act shall take effect from and after its passage, and shall apply to any sheriff of Ohio county who may be hereafter appointed or elected.

Approved February 18, 1876.

CHAPTER 198.

AN ACT authorizing the justice of the peace nearest court-house in Mayfield, Graves county, to act as county judge during vacancy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the justice of the peace residing nearest the court-house in Mayfield, Graves county, be, and he is hereby, authorized and empowered to act and discharge the duties of county

judge of Graves county until the vacancy occasioned by the death of G. W. Barton, late judge of Graves county, can be filled according to the due forms of law.

1876.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved February 19, 1876.

CHAPTER 199.

AN ACT to incorporate the Anchorage Presbyterian Church.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Edward Fulton, W. Boyd Wilson, T. R. Walker, Wm. Hughes, and Joseph Robinson, be, and are hereby, created a body-corporate, under the name of "The Anchorage Presbyterian Church;" and by said name shall have perpetual succession, and may receive by devise, or take by purchase, real estate or other property; may have and use a common seal; and dispose of, or encumber, any property purchased or devised, and shall hold the same, or the proceeds, for the use and benefit of the said Presbyterian Church at Anchorage, in connection with the Presbyterian Church in the United States commonly known as the Southern Presbyterian Church.

Corporators.

Name.

May acquire real estate.

§ 2. That Wm. Hughes, Joseph Robinson, T. R. Walker, and W. Boyd Wilson are hereby authorized and empowered to convey to said Anchorage Presbyterian Church the property described in deeds to them from W. W. Hill and wife, and of record in the Jefferson county clerk's office, deed book 193, page 418, to be held for the purposes and upon the conditions set forth in said conveyances, viz: the use, benefit, and behoof of the Presbyterian Church at Anchorage, in connection with the Presbyterian Church in the United States known as the Southern Presbyterian Church.

Power of conveyance, &c.

§ 3. That in order to provide for the succession in said corporation, said Presbyterian congregation at Anchorage shall annually, upon the 1st Monday in January, elect five trustees, who shall hold their office for one year or until the successors are elected. Should the annual election fail to occur as herein provided, the same may be held after five days' notice from the pulpit of said church upon Sabbath day. In case of a vacancy by death, removal, or resignation, said trustees remaining in office may fill such vacancy.

Trustees—how elected.

1876..

President and
secretary — how
elected.

§ 4. The said trustees from among their number shall elect a president and secretary, who shall be president and secretary of the corporation, and all conveyances or assignments shall be executed by the president and attested by the secretary; and such instruments, so executed, shall pass the title of said corporation: *Provided*, That in sales of real estate the same shall be approved by a vote of a majority of the congregation duly called by a notice as before named.

Term of office.

Powers.

§ 5. That the said corporators shall constitute the first board of trustees, to serve until January, 1877, and are hereby authorized and empowered to pledge or mortgage the present property of the said congregation for the purpose of raising means to pay for the repairs upon the said building and for the re-making of the roof of the present church edifice, and may make such loan for any time or at any rate of interest they deem proper.

Shall keep record

§ 6. The said trustees shall keep a record of their proceedings, and the same shall be open for inspection of members of said church or congregation.

§ 7. This act shall take effect from and after its passage.

Approved February 23, 1876.

CHAPTER 200.

AN ACT for the benefit of Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Garrard county be, and the same is hereby, authorized and empowered to levy an annual ad valorem tax of not exceeding five cents on each one hundred dollars' worth of property as reported by the assessor, for the purposes of enabling said county to pay the expenses of said county.

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1876.

CHAPTER 201.

1876.

AN ACT to amend the charter of the Mt. Freedom and Jessamine County Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sixth section of an act, entitled "An act to incorporate the Mt. Freedom and Jessamine County Turnpike Road Company," approved March 15, 1870, be, and the same is so amended, that after the words "shall not exceed four degrees," in third line of said section, there shall be added, "except on the cliff at Glass' Mill, where it shall not exceed five and one fourth degrees."

§ 2. This act to take effect from and after its passage.

Approved February 23, 1876.

CHAPTER 202.

AN ACT to repeal an act, entitled "An act for the preservation and production of game and fish in Bourbon county," approved January 22, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the preservation and production of game and fish in Bourbon county," approved January 22d, 1874, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved February 23, 1876.

CHAPTER 203.

AN ACT to repeal the charter of the Louisville, Memphis, and New Orleans Railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Louisville, Memphis, and New Orleans Railroad be, and the same is hereby, repealed.

§ 2. This act shall be in force from and after its passage.

Approved February 23, 1876.

1876.

CHAPTER 204.

AN ACT to repeal the charter of Big Spring, in the counties of Meade, Hardin, and Breckinridge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter or act of incorporation of the town of Big Spring, located in the counties of Meade, Hardin, and Breckinridge, and all amendments thereto, be, and the same are hereby, repealed.

§ 2. This act to be in force from and after its passage.

Approved February 23, 1876.

CHAPTER 205.

AN ACT changing the times of holding quarterly courts in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the times of holding the quarterly courts in Bourbon county be, and they are hereby, changed from the second Wednesdays in the months of March, June, September, and December, to the third Wednesdays in those months respectively.

§ 2. That all acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from its passage.

Approved February 23, 1876.

CHAPTER 206.

AN ACT for the benefit of the Kentucky Mutual Benefit Association, of Maysville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act, entitled "An act for the incorporation and regulation of life insurance companies," approved March 12th, 1870, shall not apply to the "Kentucky Mutual Benefit Association," of Maysville, Kentucky, organized and acting under a charter granted by the Mason county court 23d October, 1875; and said "Kentucky Mutual Benefit As-

sociation," of Maysville, shall be permitted, and is hereby authorized, to do business under and according to its charter without being subject to said act of March 12, 1870, hereinbefore referred to; and all business heretofore done by it under its said charter, and all rights accrued thereunder, are hereby legalized and made valid.

1876.

§ 2. This act shall be in force from its passage.

Approved February 23, 1876.

CHAPTER 207.

AN ACT to amend an act, entitled "An act to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Paris."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the assessor of said city shall be elected by the city council at their first meeting in February, or as soon thereafter as possible, who shall hold his office until his successor is duly appointed.

Assessor elected.

§ 2. That all officers of the city shall take the oaths as required by the Constitution and laws of the State.

Officers shall take oath.

§ 3. Should the mayor become disabled for discharging his duties, should he refuse to act, or the office become vacant, the councilmen shall proceed to elect one of their own members to supply his place; and the person so elected shall be the mayor of said city until a new election is had, and the mayor elected is sworn into office; and the mayor and councilmen shall immediately proceed to order another election to supply such vacancy for the residue of the time; and in the like event of one or more councilmen, the board shall direct a new election in the ward or wards in which the vacancy shall occur; and in a vacancy of either of the other offices the mayor and councilmen shall fill the same by appointment for the remainder of the year.

Mayor.

Vacancy—how filled.

Councilmen.

Vacancy—how filled.

§ 4. The officers of the election for mayor and councilmen shall return the poll-books to the board of examiners for Bourbon county within two days next after the election; and said board shall meet at the office of the county clerk of Bourbon county as soon as said poll-books have been returned, and then compare and examine said poll-books, and give the proper certificates of election to the persons receiv-

Vote—how compared.

1876. ing the highest number of votes for their respective offices ; upon the issue of said certificates the persons receiving the same shall, on the first Tuesday thereafter, enter upon the duties of their respective offices.

Right of contest. § 5. Any citizen of Paris who, at any election, shall have been a candidate for mayor or councilmen, shall have the right to contest the election of either of those offices ; and cases of contested elections shall be heard and determined by those who compose the board in contested elections for county officers, in like manner and by the rules prescribed by law for the trial of such contests.

Power of mayor. § 6. Every ordinance or resolution which has passed the board of councilmen shall be presented to the mayor, and if he approve he shall sign it, and then it shall be obligatory ; but if he disapprove, he shall return it with his objections, in writing, to the council, who shall then reconsider the same ; and if two thirds of the members concur in adopting it again, it shall be obligatory ; the votes on the same shall be taken by yeas and nays, and recorded in the city records. Should the mayor withhold a proposed ordinance or resolution beyond the day for the next regular meeting, and the council actually meet, if three days have intervened between the presentation to the mayor and such meeting, it shall be obligatory as if signed.

No officer to be interested in contract. § 7. Should any of the officers of said city be directly or indirectly interested as agent or principal in any contract with said city, or as surety in any such contract, he shall thereby vacate his office.

Taxes—how and when paid. § 8. That the mayor and councilmen of said city shall have power by ordinance to fix the terms upon which taxes shall be paid at the collector's office, and after a specified date to affix and enforce penalties for the failure to pay the same at said office, which penalties shall not be remitted in any case except by the vote of two thirds of the city council.

Penalty for failure to pay fine. § 9. All persons convicted of violating any of the by-laws or ordinances of the city of Paris, and failing to pay the fines therefor assessed against them, may be compelled to work upon the streets, alleys, or lots within the limits of said city, or do and perform such other labor within said limits as may be designated by the proper authority during the day, and confined in the county jail at night until the fines as aforesaid assessed against them are discharged at the rate of

one dollar per day: *Provided*, That no person shall be compelled to work as aforesaid who offers to and does pay or secure the fines imposed. 1876.
Proviso.

§ 10. That the mayor and council are authorized to make all by-laws and ordinances for carrying into effect the powers herein granted, and executing all the provisions of this amendment, with suitable penalties for the infraction of the same.

§ 11. That all acts and parts of acts concerning the city of Paris, and coming in conflict with this act, be, and the same are hereby, repealed.

Approved February 23, 1876.

CHAPTER 208.

AN ACT to amend an act, entitled "An act to incorporate the Elizabethtown, Lexington, and Big Sandy Railroad."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a meeting of stockholders of said company shall be held on the first Saturday in May, 1876, and each year thereafter, at the clerk's office of the Fayette county court, in the city of Lexington, Kentucky, between the hours of 12 M. and 2 P. M., for the purpose of electing nine directors as provided in the act, entitled "An act to incorporate the Elizabethtown, Lexington, and Big Sandy Railroad Company," approved January 29th, 1869; which election shall be held and conducted by the presiding judge of the Fayette county court, the mayor of the city of Lexington, and such directors of said company as reside in the State of Kentucky, any two of whom may act and certify the result thereof. Election of directors—when, &c.

§ 2. Any person holding receipts from the sheriff or collector of taxes of the counties of Fayette, Clark, or Montgomery, or the city of Lexington, for taxes paid, to the amount of \$100, with which to pay the subscriptions of said counties or city to the capital stock of said company, or any stockholder of said company whose subscription has been paid, shall be eligible to the office of director or president of said company. Who eligible.

§ 3. The stockholders in said company shall only be allowed to vote at said election, or on any other occasion when their vote shall be taken, such stock as they have actually paid up in current funds.

1876.

Presiding judge
shall vote stock.

§ 4. The presiding judge of the county courts of Fayette, Clark, and Montgomery, and the mayor of said city of Lexington, shall vote the stock subscribed by said counties and city in person, or by proxy appointed through an order of the respective county courts made by said judges; and in case of the absence of said mayor, by a proxy appointed by the council of said city.

§ 5. The board of directors thus elected shall have all the rights and powers conferred upon the board of directors by said act incorporating said company, and the amendments thereto.

§ 6. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 7. This act shall take effect from and after its passage.

Approved February 23, 1876.

CHAPTER 209.

AN ACT to regulate the sale of spirituous, vinous, and malt liquors in the town of Shelbyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon a written petition signed by at least twenty of the legal voters in the town of Shelbyville, the judge of the Shelby county court shall make an order on his order-book, at the next regular term of his court after he receives said petition, directing the sheriff, or other officer whose duty it may be to hold the election, to open a poll at the usual place of voting in said town, on the second Saturday in the month next succeeding the month in which said order is made, for the purpose of taking the sense of the legal voters in said town upon the proposition whether or not spirituous, vinous, or malt liquors shall be sold therein.

§ 2. The duties of the county court clerk and sheriff, or other officer whose duty it may be to hold the election, and of the officers of the election, shall be in all particulars the same as the duties of said officers as prescribed in sections two, three, and four of an act, entitled "An act to regulate the sale of spirituous, vinous, or malt liquors in this Commonwealth," approved January 26, 1874; but the poll shall be returned to the office of the county court clerk on the Monday next suc-

ceeding said election by noon of that day, and the county judge, county clerk, and sheriff shall examine and compare the same under the same rules as now prescribed by law, except that they may compare said poll on the same day on which it is returned.

1876.

§ 3. If it shall be found that a majority of the legal votes cast at the election herein provided for were given against the sale of spirituous, vinous, or malt liquors in said town, it shall be the duty of the examining board to certify that fact, as provided in section five of the act hereinbefore referred to; and the clerk shall record said certificate as provided in said act, and thereafter said act shall continue in force in said town the same as if no election had been held under this act.

§ 4. If it shall be found that a majority of the legal votes cast at the election herein provided for were given in favor of the sale of spirituous, vinous, and malt liquors in said town, that fact shall be certified by the examining board and the certificate recorded, as provided in section five of said act; and from and after the entry thereof in the order-book of the county court, the provisions of said act, entitled "An act to regulate the sale of spirituous, vinous, or malt liquors in this Commonwealth," approved January 26, 1874, shall cease to be in force, and shall thereafter be of no effect within said town; and the laws of the State and of said town, in reference to the sale of intoxicating liquors, shall be in full force, the same as if said act of January 26, 1874, had never applied to said town; except that the board of trustees of said town shall have the right to charge and collect for a tavern license, with the privilege of retailing intoxicating liquors to be drunk on the premises, any sum not exceeding three hundred dollars per year; for a grocery license, not exceeding seventy-five dollars per year; for a druggist's license, not exceeding fifty dollars per year; for a druggist's and grocery license combined, not exceeding one hundred dollars per year; and for a grocery license, with the privilege of retailing malt and vinous liquors, to be drunk on the premises where sold, not exceeding one hundred dollars per year.

§ 5. The county judge shall not make the order for the election until the persons petitioning therefor have deposited with him, in money, an amount sufficient to pay for the advertisements herein provided for, and the legal fees of the county

1876. court clerk, and the judges, clerk, and sheriff holding the election.

§ 6. The qualifications of voters under this act shall be the same as those prescribed by the general laws of this Commonwealth.

§ 7. This act shall take effect from its passage.

Approved February 23, 1876.

CHAPTER 210.

AN ACT to incorporate the Agricultural Bank of Paris, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit in
 Bank established. Paris, Bourbon county, Kentucky, with a capital of fifty
 Capital stock. thousand dollars, in shares of one hundred dollars each, which may be by the board of directors increased to one hundred thousand dollars, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns shall be a body-politic and corporate, by the name and style of the Agricultural Bank of Paris, Kentucky, and shall so continue for a term of twenty years from the passage of this act, and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded; of answering and defending in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

Corporate
 powers.
 Common seal.
 § 2. Said bank shall be under the control and direction of
 Directors—when
 elected, &c. nine directors, each of whom shall be a stockholder in the same and a resident of this State; and after the first election the said directors shall be elected annually on the first Monday in January in each succeeding year, and shall hold office until their successors are elected and qualified. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws: *Provided*, That other meetings may be had at any time deemed necessary for the transaction of the business of the bank; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors; and the person so chosen by the said board shall hold office as a director until his successor shall be elected and qualified at the next annual election.

Vacancy—how
 filled.

§ 3. The directors shall have power to receive subscription for so many of the shares of stock of said bank remaining unsold as they may at any time chose to sell; to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them severally such bonds to secure the faithful performance of their duties, as they shall think proper and reasonable.

1876.

Power of directors.

§ 4. The president and directors, any five of whom may constitute a quorum for transaction of business, may, from time to time, make such by-laws, rules and regulations, for the government of the institution as deemed expedient, not contrary to the provisions of this charter or to the laws of this State or of the United States, or the by-laws and rules which the stockholders, at their annual meeting or other meetings may, from time to time, prescribe: *Provided*, That for that purpose a concurrence of a majority of all directors shall be necessary.

Quorum for business — what constitutes, &c.

§ 5. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish.

Stock personal property.

§ 6. No stockholder shall be responsible for any debts or liabilities of said bank further than his or her amount of stock subscribed. A record of ownership of stock shall be kept in the bank, and no transfer valid until recorded; any stockholder desiring to sell his or her stock in said bank must give the president of said bank ten days' notice of their desire to sell said stock; and should said president not purchase or furnish a purchaser for their stock at its market value, then said stockholder has the privilege of selling their stock in open market.

Record to be kept.

§ 7. H. M. Roseberry, John J. Rogers, J. A. Howerton, and John W. Allison, are hereby appointed commissioners, any two of whom may open books and receive subscription for the capital stock: *Provided*, That public notice shall be given, by one insertion in the newspaper of the county, of the time and place when said books will be opened, and no individual shall subscribe for or at any time hold more than fifty shares of the said capital stock; and when five hundred shares have been subscribed, it shall be their duty to give notice in some newspaper published in Bourbon county,

Commissioners.

Powers.

1876. Kentucky, and appoint a day for the election of a board of directors, who shall be qualified, and hold their office until their successors are elected at the ensuing annual election; and in all elections for directors of said bank, the stockholders shall be entitled to one vote for each share of the capital stock he or she may hold in the same. The payment for the shares subscribed shall be as follows: five dollars on each share at the time of subscribing, and ten dollars within thirty days after the election of the first board of directors, and the remainder in such amounts and at such times as the board of directors may require: *Provided*, That no one call shall be made for a larger amount than ten dollars per share, and on a shorter notice than thirty days; and should any of the subscribers fail to pay for their subscription of stock as herein provided, after giving notice of their intention in some newspaper published in the county for four weeks, the directors may, by resolution entered on their records, forfeit such stock and resell the same at such time and place as they may deem expedient; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the defaulting stockholder, after deduction of any unpaid calls and all costs of such sale.

When to commence business.

§ 8. Said corporation may commence business so soon as twenty thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice of the peace.

May receive gold and silver deposits.

§ 9. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner and at such time as may be agreed upon by the depositors, by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the same as may be agreed upon at the time in writing, in all respects as natural persons may do under the law; and the promissory notes made negotiable and payable at its banking-house, or at any other bank in this State, and inland bills which may be discounted by it shall be, and they are hereby, put upon the footing of foreign bills of exchange; and like remedy may be had thereon, jointly and severally, against the acceptors, drawers, and indorsers.

§ 10. Said corporation may acquire, hold, possess, use, and occupy and enjoy, all such real estate, goods, and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

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May acquire
real estate, &c.

Proviso.

§ 11. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 12. This act to take effect from its passage.

Approved February 23, 1876.

CHAPTER 212.

AN ACT to provide and maintain public schools in Cloverport, Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the territory at this time embraced by common school district No. 1 and common school district No. 47, of Breckinridge county, which two districts include the town of Cloverport, be, and the same is hereby, incorporated into one school district, to be hereafter called district No. 1, and shall be under the control and management of a board of five (5) trustees, to be elected annually by the qualified white voters, and any white widow who may be entitled to a vote for trustees, as prescribed by section first of article seven of chapter eighteen of the General Statutes, residing within the limits of said two districts as now laid off.

§ 2. That the said persons so elected shall constitute and be styled "The Board of Trustees of the Cloverport High School," and by that name shall be a body-politic and corporate, with perpetual succession; and may sue and be sued, contract and be contracted with, buy and sell real and personal estate, and convey the same; and the title to all property they may acquire by gift, devise, or purchase shall vest in them and their successors and assigns forever.

1876.

§ 3. The said board of trustees shall be elected on the first Saturday in July in each year, and shall hold their offices for one year or until their successors are sworn in. The officers for holding said election shall be appointed by the presiding judge of the Breckinridge county court, and the election shall be held at the usual or a convenient voting place in the town of Cloverport.

§ 4. Said trustees, before entering upon their duties, shall take and subscribe an oath before some officer authorized to administer oaths, to faithfully, honestly, and impartially discharge the duties required of them by law. Said oath shall be transmitted by the officer before whom it is taken and subscribed to the clerk of the Breckinridge county court, who shall carefully file and preserve the same in his office.

§ 5. A majority of the members of said board shall constitute a quorum to transact business. They shall have power to fill any vacancies that may occur in the board by the appointment of new members, and shall organize by electing one of their number as chairman and another as clerk. They shall keep a correct and true journal of their proceedings in a well bound book provided for that purpose, properly indexed and paged, which shall at all times be open to the inspection of any citizen.

§ 6. They shall appoint some suitable person, not of their number, as treasurer, who shall be styled "The Treasurer of the Board of Trustees of the Cloverport High School," who shall hold his office for a period of two years. He shall, before entering upon his duties, execute bond with security, to be approved by the board, for the faithful performance of the same. For a breach of his bond he, with his sureties, shall be liable to the board by action in their name in any court of competent jurisdiction.

§ 7. The treasurer shall receive and disburse all the moneys of the board, keep true and accurate account of the same in a well bound book; but he shall pay out none except on the order of the board, through its clerk. He shall, once a year at least, make out and deliver to the board, at such time or times as they may determine, a full and comprehensive report of his receipts, disbursements, and accounts, which shall be spread upon the records by the clerk and be carefully filed and preserved.

1876.

§ 8. The board of trustees shall appoint all teachers and other persons necessary to carry on said school, and regulate their salaries and compensation, and may suspend or dismiss any teacher or appointee whenever they may see fit to do so. They may also prescribe the branches of education to be taught; grade the classes, or cause the same to be done; and prescribe the necessary qualification for, and the mode of examination of, pupils or persons applying for admission to the school or any of its classes; and also provide for the punishment, by expulsion or otherwise, of all persons for a violation of the rules of government of said school.

§ 9. The said board shall have power to establish by-laws and rules, and make all needful regulations for the government and maintenance of said school.

§ 10. The control and management of the public schools of Cloverport, and the property and funds belonging thereto, and which may accrue in any way to them, or for their establishment, maintenance, or management under this act, or otherwise, shall be vested in the said board of trustees and their successors in office.

§ 11. All white children of both sexes, between six and twenty years of age, living within the district constituted by this act, shall have equal right of admission to this school free from all charges of admission or tuition whatever, and the benefit of instruction in any branch or department whatever without charge; and it is expressly enacted that only white children shall be admitted to or taught in this school.

§ 12. The board of trustees may admit into the school white children who are not resident in the district, or who are not of pupil age, upon the payment of such charges and upon such terms and conditions as to the said board may seem right.

§ 13. No religious catechism, nor any form of religious belief, shall be taught or inculcated in said school; nor shall any class-book be adopted or used in said school which shall reflect on any religious denomination; nor shall any class be so conducted or taught as to interfere with the religious belief of parents or pupils.

§ 14. The said board of trustees shall have the authority and right to cause to be levied and collected an annual tax upon all the real estate of the white people situate in the district created by this act not exceeding fifty cents upon each

1876. one hundred dollars' worth of such property, and a capitation tax of not exceeding two dollars upon each white male voter residing in said district. The said tax shall be levied for the sole purpose of providing suitable buildings, furniture, teachers, and the other costs and expenses of conducting and maintaining said school, as well as the cost of having said tax collected and disbursed, and paying the legitimate expenses of the board and its agents and employes; but before any such levy or collection shall be made, the said board shall make a written application to the Breckinridge county court to that effect; whereupon, it shall be the duty of the county judge to make an order to submit to the legal white voters and widows allowed to vote under the common school law, residing in said district, the proposition whether or not such levy and collection shall be made, at any election to be held for that purpose, at such time as the said county judge may direct, at the usual or some convenient voting place in the town of Cloverport. He shall name in the said order the persons who shall conduct said election, and the hours of the day between which it shall be holden. If any of the persons so appointed to conduct said election shall fail or refuse to act, it shall then be the duty of the chairman of the board of trustees of the town of Cloverport to appoint others in their places. The persons appointed to conduct the said election shall, before they proceed to act as such, make oath before some officer authorized to administer oaths that they will fairly and impartially discharge their duties as officers of said election according to law. When the said officers shall have closed the poll, they shall certify to the county court of Breckinridge county the number of votes cast for and against the proposition aforesaid, and return to the said county court the poll-book, which shall be kept by the clerk thereof among the records of said court.

§ 15. No such election as is provided for in the preceding section shall be held, unless the same shall have been advertised by written or printed notices posted by said board at not less than five places within said district, at least fifteen days before said election; and if a majority of the votes cast at any such election as above provided for be in the affirmative upon the proposition submitted, the said county judge shall, if the election therefor be held previous to the 1st day of June, 1876, at once levy the tax that shall be voted, or such

amount as shall be named by the said board of trustees, not exceeding the maximum rate authorized by this act, in order that the same may be collected with the revenue tax and county levy for the year 1876.

1876.

§ 16. If the election above provided for is not held previous to the 1st day of June, 1876, and the tax shall be voted at any time subsequent thereto, it shall then be the duty of the court of claims of Breckinridge county, at its annual term when it lays the county levy, to levy this tax also, and to continue to do so every year thereafter; they shall fix each year such rate of ad valorem and capitation taxation, not exceeding the maximum rate authorized by this act, as shall be designated by the said board of trustees.

§ 17. The taxation provided for by this act shall be levied upon the assessment of real estate and tithes made and returned for the said district by the county assessor in each year.

§ 18. It shall be the duty of the sheriff of Breckinridge county, or the collector of the county levy, should such collector be appointed by the county court, to collect the said tax; he shall be allowed for collecting the same the same fees and commissions as are allowed for collecting the county levy; and it is hereby made the duty of the county court to supervise and control the collection of the same in like manner as they are authorized by law to supervise and control the collection of the county levy; and it is hereby made the duty of the clerk of the county court to deliver to the sheriff or collector the lists of the persons chargeable with the payment of the tax provided for in this act, and the sum to be paid by each, as he is required by law to do in relation to the county levy. The sheriff or collector shall be subject to the same requirements, as far as they apply in collecting and accounting for this tax, as in collecting and accounting for the county levy.

§ 19. The county court shall be governed, in all the provisions it shall make for the collection of the tax provided for in this act, by the same laws that govern it concerning the county levy, so far as the same will apply.

§ 20. The sheriff or collector shall pay over forty per centum of the taxes authorized by this act to the treasurer of the board of trustees of the Cloverport High School, on or before the 10th day of December in each year, and the resi-

1876. due on or before the county court day in January following ; upon failure to do so, if demanded of him by said board of trustees, he and his sureties upon his bond executed for the collection of the county levy, their heirs, devisees, and personal representatives, shall be jointly and severally liable to the said board of trustees for their demand, with ten per centum upon the amount due, which sum may be recovered by a suit on the bond in the circuit court, or by motion in the county court.

§ 21. The said board of trustees, when elected and sworn in, shall have all the powers conferred by the common school laws upon the trustees of the two districts incorporated by this act into district No. 1, of Breckinridge county ; they shall make all such enumerations and census returns as may be now or shall be hereafter required by law to the common school commissioner of Breckinridge county ; and shall have the right to receive and appropriate to the Cloverport High School the fund or tax due to the two districts No. (1, and No. 47) from the State, and that shall hereafter be due to the consolidated district.

§ 22. The county clerk shall be allowed for his services under this act the fees usually allowed by law for services in similar cases.

§ 23. The first election for trustees under this act shall be held when ordered by the county judge, after being advertised by written or printed notices, posted by the present common school trustees in districts No. 1 and No. 47, at not less than five places in the consolidated districts, for not less than ten days previous thereto, and shall be conducted by officers appointed by the said judge. If the persons appointed by him shall fail or refuse to act, their places shall be filled by appointment of the chairman of the board of trustees of the town of Cloverport. The result of said election shall be reported by said officers to the county judge, who shall cause their report to be filed away, and be preserved by the clerk of the county court. The said election shall be held at the usual or some convenient place in the town of Cloverport, and the persons chosen as trustees shall be governed, in entering upon and the discharge of their duties, by the provisions heretofore made in this act.

§ 24. It shall be the duty of the board, who are by law required to examine the poll-books of elections held in Breckinridge county, to compare the polls of any election held under authority of this act. They shall be regulated by the general law upon the subject as far as the same will apply.

1876.

§ 25. Persons living without the boundary of the district created by this act, and contiguous thereto, who may desire to be included in the same, and enjoy the privileges and benefits of the school provided for in this act, may apply to the county commissioner to be included within the boundary of said district; whereupon it shall be the duty of the commissioner to change the boundary so as to embrace such persons; but no such change shall be made to take effect during any school year, unless made previous to taking the census for such school year.

§ 26. This act shall take effect from its passage.

Approved February 23, 1876.

CHAPTER 213.

AN ACT to amend an act, entitled "An act to incorporate the Richmond, Irvine, and Three Forks Railroad," approved February 28th, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section four of the act to which this is an amendment as reads "\$25,000," shall be so amended as to read "\$1,000."

§ 2. That so much of section five of the act to which this is an amendment as reads "five shares," shall be so amended as to read "one share."

§ 3. That if any county, part of a county, or city or town, shall subscribe to the capital stock of said company under the provisions of the act to which this an amendment, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue as many bonds of such county, part of a county, city, or town, in denominations of not less than one hundred nor more than one thousand dollars, with coupons attached, under the seal of such county, city, or town, as, when sold, shall

1876, realize a sum sufficient to pay said subscription and all the expense incident thereto; the bonds of the county, or part of a county, to be signed by the county judge and countersigned by the county clerk, and the coupons to be signed by the clerk alone; the bonds of the cities subscribing shall be signed by the mayor and countersigned by the city clerk, and the coupons shall be signed by the clerk alone; the bonds of the town subscribing shall be signed by the chairman of the board of trustees and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. In issuing bonds for districts, or parts of counties, the bonds shall show and state upon their face the districts or parts of counties for which they are issued; and such districts or parts of counties shall alone be bound to pay said bonds and their interest.

§ 4. Such bonds shall be negotiable and payable to bearer in the town of Richmond, Kentucky, or Louisville, Kentucky, or in the city of New York, as may be designated in the order issuing same, at not more than twenty years from their date, and shall bear interest at a rate not greater than eight per cent. per annum, payable semi-annually where the bonds are made payable. But said bonds shall be redeemable at the pleasure of the authorities issuing them after five years from the date of their issue, and shall have set forth and expressed upon their face the above described conditions.

§ 5. The payment of any of the bonds hereby authorized, after the expiration of five years, shall be made in amounts and at such times as may be determined by the authorities issuing them, by an order made upon their records. But the particular bonds so to be paid and canceled shall in all cases be indicated and specified by date and number, in the order of their numbers, beginning with the first numbered. On public notice, to be given by the treasurer of the sinking fund, and in four months after the date of such public notice, the interest on the bonds so selected and advertised to be paid shall cease.

§ 6. The county court of any county which shall subscribe, or any authorities which, under the provisions of this act, shall control stock issued upon a subscription, shall have the power at any time to sell the stock, or any part thereof; but in the event of such sale, the proceeds shall be held sacred as a sinking fund, for the payment of the bonds issued for the

payment of the county subscription, and for that purpose shall be loaned out or invested and applied by the sinking fund commissioners provided for in the act to which this is an amendment as said county court or authorities may order.

1876.

§ 7. *Be it further enacted*, That in case the dividends upon the stock held by the county, part of county, city, or town, and for which bonds shall have been issued, shall not be sufficient to redeem said bonds at maturity, or at such time as the county court or other authorities shall determine to pay said bonds, or any designated number thereof, under the option given by the provisions of this charter, by means of said sinking fund, as provided for in the original act, it shall be the duty of the commissioners of said fund to report such deficiency to the county court, or other authorities; and upon such report, it shall be the duty of said court or other authorities to levy a direct tax, as provided for in the act to which this is an amendment, sufficient to redeem the bonds when they arrive at maturity. If no time is fixed to pay off all or any part of the bonds, then it shall be the duty to levy said tax, and at such times as will be sufficient to provide for their payment at such time or times as shall be so designated.

§ 9. *It is further enacted*, That section 18 of the original act be, and the same is hereby, repealed.

§ 10. This act to take effect from its passage.

Approved February 23, 1876.

CHAPTER 214.

AN ACT to charter the deposit bank of L. Goodpaster, Sons & Co., Owingsville, Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

• § 1. That there is hereby established a bank of discount and deposit in the town of Owingsville, Bath county, Kentucky, with a capital of fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of L. Goodpaster, Sons & Co., of Owingsville, Kentucky, and shall so continue for

Bank established

Capital stock.

1876.

Corporate powers.

May have common seal.

twenty years from the passage of this act; and shall be capable of contracting and being contracted with, of suing and being sued, in all courts and places whatever; they may have a common seal, and change the same at pleasure; they shall be allowed to receive gold and silver, bank notes, or other circulating medium or currency on deposit, and repay the same in such manner and at such times as may be agreed upon with depositors by special or general contract; may deal in the loaning of money on public or private securities; buy and sell drafts, bills of exchange, and bonds or stocks, or promissory notes; inland bills which may be purchased, or promissory notes made negotiable and payable at any bank and discounted by this bank, shall be, and they are hereby, placed upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against drawers, acceptors, and indorsers. Promissory notes payable to any person or to a corporation, and payable and negotiable at any bank incorporated under any law of this Commonwealth, or organized in this Commonwealth under any law of the United States, which shall be indorsed to and discounted by the bank, are hereby placed on the same footing as foreign bills of exchange.

May acquire real estate, &c.

§ 2. The said corporation may acquire, hold, possess, use, and occupy, all such real estate, goods and chattels, as shall be necessary and convenient for the transaction of the business thereof, or which may be pledged, conveyed, mortgaged, or transferred to it as security for any debt, or purchased in satisfaction of any debt or judgment; and may sell and convey the same in accordance with an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March the 16th, 1871; and they may make such laws for their government as they may deem necessary, not inconsistent with the Constitution and laws of this State or the United States.

Directors—how elected.

§ 3. Said bank may appoint such officers as may be necessary to conduct her business, who shall be under the control of not less than two, nor more than five directors, each of whom shall be stockholders residing in the State; they shall hold their office until their successors are elected and qualified; and after the first election they shall be elected on the first Monday in January in each year, or so soon thereafter as practicably convenient; they shall elect one of their num-

ber president; they shall hold regular meetings, at such times as may be fixed by the by-laws, and other meetings may be held when deemed necessary. In case of death, resignation, or refusal to act of any director, the vacancy shall be filled by the board of directors. The directors shall have power to declare dividends of the profits arising out of the business, and to fix, allow, and pay to the officers, agents, and servants such sums as wages or salary as they shall think proper. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors may prescribe, and transferable on their books only. The entire property of the stockholders, real and personal, shall be liable for all the obligations of the bank.

1876.

Vacancy—how filled.

Stock personal property.

§ 4. L. Goodpaster and J. B. Goodpaster are hereby appointed commissioners to open books and secure subscriptions to the capital stock, and when fifty thousand dollars shall have been subscribed and actually paid in, it shall be their duty to appoint a day for the election of a board of directors, who shall be qualified and hold office until their successors are elected at the ensuing annual election; and in all elections for directors or other officers of said bank, the stockholders shall be entitled to one vote for each share of the capital stock he or she may hold in same. Said corporation may commence business so soon as fifty thousand dollars shall have been subscribed and actually paid in, and the president and the directors first elected shall have made oath to the fact of such payment before some judge or justice of the peace.

Commissioners.

§ 5. The board of directors may require their cashier or other officers to give bond, with security, in such penalty as they may order on their records, and fix conditions for the faithful discharge of the duties of such officer.

May require bond of officers.

§ 6. It shall not be lawful for said bank to issue any note or bills to be passed as currency.

Not a bank of issue.

§ 7. The General Assembly shall have the right to examine into the affairs of the corporation by committee appointed for the purpose.

§ 8. The Legislature reserves the right to alter, amend, or repeal this act.

§ 9. No certificate of stock shall be issued except for stock actually subscribed for on the books of the company, and actually paid in.

1876. § 10. The indebtedness of this corporation, over and above that incurred for deposits in money, shall at no time exceed their paid up capital.

§ 11. That unless the incorporators shall organize and commence business within one year from the approval hereof by the Governor, this act shall be null and void.

§ 12. This act shall take effect from its passage.

§ 13. The Legislature may at any time modify or repeal this charter.

Approved February 23, 1876.

CHAPTER 215.

AN ACT to repeal the act incorporating the town of Milford, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Milford, in Bracken county," which was approved March the 21st, 1870, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved February 23, 1876.

CHAPTER 216.

AN ACT for the benefit of Noel Simmons, sheriff of Bullitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Noel Simmons, sheriff of Bullitt county, shall have until the first day of June next in which to pay the revenue for Bullitt county into the State Treasury: *Provided*, That said extension shall not be given unless the sureties of said sheriff shall appear before the judge of the county court of Bullitt county and consent to the same, which consent shall be entered of record in said county court.

Approved February 23, 1876.

CHAPTER 217.

1876.

AN ACT for the benefit of Allensville voting precinct, in Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the written application of at least twenty citizens and voters of the Allensville voting precinct, made at least thirty days before any regular State election, the presiding judge of the Todd county court shall submit to the voters of said district, at said election, the question whether a tax sufficient to grade and metal the State road leading from Keysburg, in the edge of Logan county, by Allensville, to Elkton, in Todd county, from the point on said road where the county line crosses it to the point where the line dividing said Allensville precinct from the Elkton voting precinct, a distance of about four miles and one half; said tax not to exceed four thousand dollars for each mile of said turnpike so proposed to be built, and to be levied upon the same property that is now assessed for the State revenue, and in not less than two annual assessments.

§ 2. Said proposition shall not be submitted to the voters of said precinct until notice shall have been given thereof by at least three weekly publications in a newspaper published in Todd county, if there be such, and by posting at least fifty printed handbills in all the public places and prominent points on the highways in said district or precinct, stating the amount and terms of said proposed tax; and at the election in said precinct a book shall be opened for taking the sense of the voters on said question, and the sheriff of said election shall distinctly propound the following question: "Are you for or against the turnpike tax?" and the vote shall be recorded by the clerk according to the response.

§ 3. When the board, who by law are required to compare the poll-books of said election, shall have ascertained that a majority of the votes cast in said precinct at said election have voted in favor of said tax, they shall certify the fact to the presiding judge of the county court, who shall forthwith order the collection of a sufficient amount on each one hundred dollars of the taxable property in said district as assessed by the county assessor for that year, to pay the proposed tax.

§ 4. The sheriff of the county shall collect said tax, and have the same fees therefor, and be responsible therefor, in the same way that he collects the county levy of said county.

1876. § 5. When said taxes are collected, they shall be paid by the sheriff to E. A. Gost, C. W. Haddox, W. E. Coleman, C. P. Martin, and T. F. Small, who are hereby appointed commissioners; who, after having executed bond with good security, in the presence of the presiding judge of said county, for the faithful performance of their duties herein, payable to the Commonwealth of Kentucky, for the use of said district, shall receive and receipt for all moneys so collected by the sheriff, less his commissions; and after having paid all costs attending the election and assessment of said tax, shall apply the remainder thereof in grading and metaling said road between the points above designated. They shall let out the work to be done at public auction to the lowest bidder, having advertised the time, place, and terms of said bidding, at which none of said commissioners shall be directly or indirectly interested in any bid. They shall enter into contract with the lowest bidder for the work, and shall require of him bond, payable to themselves, with good security, for the faithful performance of his contract.

§ 6. Should any of said commissioners die, or resign, or refuse to act, the other members of the board shall elect other persons to supply their places, who shall also execute bond as hereinbefore required.

§ 7. The second installment of said tax shall not be levied until the contracts for the entire completion of the work shall have been executed, and only for a sufficient amount to enable the commissioners to fulfill their contract.

§ 8. This act shall take effect from and after its passage.

Approved February 23, 1876.

CHAPTER 218.

AN ACT for the benefit of W. A. Mahon, sheriff of Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. A. Mahon, sheriff of Muhlenburg county, upon filing with the county clerk of Muhlenburg county the written consent of the sureties in his bond for the collection of the revenue of said county, be allowed until the first day of June next to collect and pay into the Treasury the balance of the revenue of said county for the year 1875: *Provided,*

That before the said W. A. Mahon shall have the benefits of this act, his sureties shall go into the county court and file their written consent to remain bound for the said sheriff in their bond heretofore executed, and the same be approved by said court as good and sufficient.

§ 2. This act to take effect from its passage.

Approved February 23, 1876.

1876.

CHAPTER 219.

AN ACT incorporating the Clintonville Cemetery Company, of Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. Wm. H. Renick, James T. Hagan, John Stipp, Alex. Johnston, and B. R. Schooler, their associates and successors, are hereby constituted a body-corporate, under the name and style of the Clintonville Cemetery Company, of Bourbon county, and by that name to contract and be contracted with, sue and be sued; use a common seal, and to alter the same at pleasure; make all necessary by-laws and regulations for its government not inconsistent with law, and do such other things as are necessary to provide a suitable cemetery at Clintonville, in Bourbon county, for the burial of the dead.

§ 2. Said corporation shall have the power to take, acquire, and hold, by purchase, gift or devise, for the purpose aforesaid, any quantity of land in the county of Bourbon, and in the vicinity of Clintonville, not to exceed twenty acres, and to receive a conveyance of the same in its corporate name; which land, when so conveyed, shall never be held for any other purpose than that of a cemetery; and said land and its appurtenances shall be forever free and exempt from all taxation, executions, or other legal process, and from any charge or assessment to or for any public purpose inconsistent with its use as a cemetery, for which purpose it is forever dedicated.

§ 3. Said corporation shall cause a plat or plan to be made of the land so acquired by it, dividing the said land into suitable avenues, walks, and burial lots, and designating said avenues and walks by name, and the said burial lots by num-

1876.

bers, which plat or plan shall be recorded on the books of the corporation and on the records of titles of Bourbon county. After said land is thus laid off the corporation shall have power to sell said burial lots, in such manner and on such terms as may be prescribed by the board of directors of said corporation.

§ 4. Each purchaser of a lot in said cemetery, upon the production of the receipt in full for the price of the lot purchased by him from the acting treasurer of the corporation, shall be entitled to a conveyance of said lot, which conveyance shall be made by certificate of the board of directors, under the seal of the corporation and countersigned by the secretary, which certificate shall be recorded on the books of the corporation and on the records of title of Bourbon county; but said lots shall be subject to the by-laws and regulations of the corporation and its board of directors, and said lots shall never be used by the purchasers for any other purpose than that of burial lots, and if applied to any other use, the right and title thereto shall revert to the corporation.

§ 5. The corporators shall open books for the subscription of stock in shares of fifty dollars, and issue certificates of stock when the money is paid in, the books to be kept open for sixty days after this charter is granted; and each person so subscribing shall be considered a member of this corporation, and shall be entitled to vote in all meetings of the corporation; but should a stockholder sell or transfer a lot or lots, he also sells or transfers his stock.

§ 6. The business of this corporation shall be managed by a board of five (5) directors, all of whom must be stockholders in said cemetery; the persons hereinbefore named as incorporators shall constitute the first board of directors of this corporation, and shall continue in office until the first Monday in August, 1877, and until their successors are elected and qualified; at which time, and every two years thereafter, the members of the corporation may elect a board of directors, who shall hold office until their successors are elected and qualified; they shall choose a president out of their number, and they may appoint a secretary and treasurer, who shall give such bond as they may require for the faithful performance of his duties; said directors may fill all vacancies which may occur in their own body.

1876.

§ 7. The board of directors shall make such by-laws and regulations as they may deem proper for calling and conducting their meetings, and for the transaction of business; they shall have entire control of all the business of said corporation; shall collect and expend for it all moneys; shall have complete control of the cemetery grounds and other property; shall have power to inclose, improve, and adorn said grounds, and to prescribe rules for erecting vaults or monuments upon the grounds or lots of purchasers, and shall have power to prohibit any use or division of a lot which they may deem improper, or they may abate or alter the same. At the regular meetings of the directors they shall report their action and the condition of the corporation.

§ 8. If any person shall willfully, and without lawful authority, violate any of the graves of the dead, or deface or remove any tombstone or monument, or cut, break, or injure any tree, plant, or shrub or other ornament of said cemetery, he shall be deemed guilty of a misdemeanor, and, besides being liable to the corporation or the owner of the lot for the injury done, he shall be fined not less than ten nor more than one hundred dollars for each offense, recoverable by warrant before any justice of the peace in Bourbon county, or he shall be imprisoned not less than five nor more than fifty days.

§ 9. This act shall take effect from and after its passage.

Approved February 23, 1876.

CHAPTER 220.

AN ACT incorporating the Home Savings Bank, of Winchester, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established the Home Savings Bank, to be located in the town of Winchester, in Clark county, with a capital of fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for by individuals, companies, and corporations; which subscribers and shareholders, their successors and assigns, are hereby created a body-politic and corporate, by the name and style aforesaid, and shall so continue a body-politic and corporate

1876. until the first day of July, one thousand nine hundred; and by that name are made capable in law to acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; to sue and be sued, contract and be contracted with, answer and defend, in all courts and places, and in all matters whatever, as natural persons; may have and use a common seal, and alter and renew the same at pleasure; and to make, ordain, establish, and put in execution such by-laws as may be necessary for the government of said corporation, not contrary to law.

§ 2. The property, business, and affairs of said bank shall be under the management of a board of directors consisting of five persons, all of whom shall be stockholders in said company and residents of this State, one of whom shall be elected president of the board, who shall preside at all meetings, and in case of absence at said meeting, the residue of the board shall elect a president *pro tem.*; and Robert N. Winn, Henry Grant, James E. Weathers, Benjamin P. Goff, and James H. French are hereby constituted directors, to serve until their successors shall be elected at the first annual election; and all vacancies in the board of directors or presidency of said bank may be filled by the other directors; and on the second Monday in January, 1877, and on the second Monday in January of each year thereafter, there shall be held an election of directors of said bank by the stockholders thereof, who shall serve as such and until their successors are elected and qualified. A written or printed notice of such election shall be given or sent to each stockholder at least five days previous to such election; and all elections for directors of said bank shall be under the inspection of two stockholders to be appointed by the president; and the result of said election shall be certified by the persons appointed to hold said election. A plurality of votes shall elect, and each stockholder shall be entitled to one vote for each share of stock which he or she may own, and may cast the same in person or by proxy, such proxy being granted to a stockholder who is not either president, director, cashier, or other officer of said bank; and the votes of a majority of stockholders so voting

1876.

shall be good and valid for all purposes: *Provided*, That no share shall entitle the holder to a vote after the first election of directors, unless the same has been held by the person claiming to vote at least three months prior to said election, and so appear on the books of the institution.

§ 3. No director or officer of any other bank shall be eligible as director in this bank; nor shall two partners in trade, nor shall one partner while another is a director in a bank, be eligible as director in this institution at one and the same time. If, from any cause, an election should not be held on the day fixed by this charter, then as soon thereafter as practicably convenient.

§ 4. The president and directors, or any three of them, may constitute a quorum for the transaction of business.

§ 5. The president and all other officers of said bank, before entering upon the discharge of their respective duties, shall take an oath before some judicial officer faithfully, honestly, and impartially, to the best of their skill and judgment, to discharge all the duties of their respective offices.

§ 6. The board of directors shall have power to appoint and employ such officers, agents, and servants as they may deem necessary to conduct the business of the bank, pay them such wages and salaries as they may think proper and reasonable; and all officers and agents of said bank shall hold their positions during the pleasure of said board, who may also declare vacant the place of any director for gross neglect of duty.

§ 7. Any director, officer, or employe of said bank, who shall convert any of its property or the property of others in possession of said bank to his own use, or knowingly make false entries on the books of said bank, with intent to defraud or cheat the corporation or any other person, the officer or employe so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the penitentiary of this State for a period of not less than two nor more than five years.

§ 8. Said bank may receive deposits of gold, silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding the lawful rate of interest of this State, as may be agreed upon with the depositor, by special or general contract; may deal in exchange,

1876. bonds, stocks, promissory notes, and other evidences of debt; loan money at a rate not exceeding the rate allowed by law, including usual exchange, and take personal and other securities for the payment of any loan or indebtedness; may receive promissory notes by assignment, bonds, stocks, mortgages on unencumbered real estate, or any other property or article of value in pledge for the security of money loaned, liabilities due or maturing to said bank, and sell the same on the non-payment of the debt or demand, according to the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871. Inland bills which may be purchased, or promissory notes made negotiable and payable at any bank that may be purchased by this bank, be, and they are hereby, placed upon the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against drawers and indorsers and acceptors.

§ 9. The board of directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for, to be signed by the president, and attested by the cashier; and said shares of capital stock shall be considered and held in law as personal property, and transferable only on the books of said bank in such manner as the board may direct.

§ 10. That should any of the subscribers to the capital stock of said bank fail or refuse to pay for their stock, the board of directors first giving a written or printed notice, posted up at the court-house door in Winchester, for the space of twenty days, may, by resolution entered on the records, forfeit such stock, and proceed to sell the same to the highest bidder at the counter of said bank; and all partial payments made on any stock which shall be forfeited, shall be sold for the benefit of such stockholder.

§ 11. Subscriptions to the capital stock of said bank, with legal interest from the time the same was due, may be recovered in any court having jurisdiction of the amount.

§ 12. The indebtedness of this corporation, except that incurred for deposits, shall at no time exceed its capital stock paid up.

§ 13. The stockholders in this company are not liable in any event, or in any manner whatever, for the debts and liabilities of said company, except to the extent of their shares of the capital stock of the same.

§ 14. Any of the directors above named may receive subscriptions to the capital stock, and when not less than two hundred and fifty shares have been taken, they are authorized to close the subscriptions, and dispose of the balance of the stock at such times and places as they may deem best for the interest of said corporation; and any premiums that may be required on the stock sold at the reopening of the books, such premium shall be the property of the institution.

1876.

§ 15. That the payment of the shares of the capital stock held by individuals, companies, and corporations, shall be made at the time and in the manner following, viz: ten dollars on each share at the time of subscribing, and ten dollars on each share every ten days thereafter, until the whole amount of said subscription is paid: *Provided*, That the board shall have power to prolong the time for payment of each installment after one half of the amount of each share shall have been paid.

§ 16. The said corporation may commence business so soon as ten thousand dollars shall have been paid in, and the president shall have made oath to the fact of such payment before the county judge of Clark county, who shall cause the same to be entered of record on the order-book of the Clark county court.

§ 17. The Legislature of Kentucky may examine, by committee, the affairs of said bank, and may alter, modify, or repeal this act at pleasure.

§ 18. This act shall be in force from its passage, provided an organization is effected within two years from its approval by the Governor; but if no organization is effected within the above specified time, this act shall be void.

Approved February 23, 1876.

CHAPTER 221.

AN ACT for the benefit of Henry F. Cornelius, A. Cornelius, and J. H. Gooch.

WHEREAS, The Commonwealth of Kentucky, on the — day of June, 1874, in the Franklin circuit court, obtained a judgment against George P. Gillum, sheriff of Logan county, and Henry F. Cornelius, J. W. Bowling, A. Dorris, L. Bennett, J. C. Price, A. Cornelius, and J. H. Gooch, sureties, for the sum of ten thousand and fifty-seven dollars and seventy

1876. cents, with interest at the rate of ten per cent. per annum from the first day of June, 1873, until paid, being for the revenue of 1873 ; and whereas, all of said judgment was paid into the Treasury, and of the total amount said A. Cornelius, Henry F. Cornelius, and J. H. Gooch paid out of their own means the sum of nineteen hundred and sixty-five dollars and forty-two cents, the said sheriff being insolvent ; and whereas, the interest on said sum paid was eight hundred and thirty-eight dollars and fifteen cents from June 1, 1873, to April 1, 1874, the day of default ; now, to remedy the hardship of the case,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is hereby ordered to draw his warrant on the Treasurer in favor of said Henry F. Cornelius, A. Cornelius, and J. H. Gooch, for the sum of eight hundred and thirty-eight dollars and fifteen cents, payable out of any money not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved February 23, 1876.

CHAPTER 222.

AN ACT for the benefit of James V. Payne, sheriff of Fleming county.

WHEREAS, The sheriff of Fleming county, Kentucky, not knowing it was his duty, failed to execute a bond or bonds at the time required by law, but did execute bond on the 4th Monday in January, 1876 ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for said sheriff of Fleming county to execute the bond or bonds as is required of him by law ; and when done, they shall be as effectual as if done at the time provided by law.

§ 2. All duties performed by said sheriff are hereby declared legal and valid.

§ 3. It shall be the duty of said sheriff to execute said bond one month from the passage of said act.

§ 4. This act to take effect from and after its passage.

Approved February 23, 1876.

CHAPTER 223.

1876.

AN ACT for the benefit of the Daily Volksblatt, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That publications, notices, and advertisements, which are or may be authorized or required to be published, inserted, or advertised in any newspaper or newspapers published in the city of Louisville or in the county of Jefferson, in this State, by or under any general or special law or statute of the Commonwealth, or by or under the charter or any ordinance of the city of Louisville, are hereby authorized to be published, inserted, or advertised in the Louisville Daily Volksblatt; and all legal advertisements are hereby authorized to be published in said newspaper with the same effect, in all respects, as if published in any other paper published daily in the German language in said city or county.

§ 2. This act to take effect from its passage.

Approved February 23, 1876.

CHAPTER 224.

AN ACT to authorize the Lawrence county court to levy an additional tax for road and bridge purposes and for public improvements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Lawrence county, a majority of the justices of the peace concurring, be authorized to issue the bonds of said county to an amount not exceeding twenty-five thousand (\$25,000) dollars, bearing interest at a rate not to exceed ten per cent. per annum, payable and redeemable at the pleasure of the court, at any time within five years from the date of the bonds, which bonds shall be signed by the judge and the clerk of said court; and may be sold upon such terms as the court may prescribe; that the said court shall have power to levy a tax upon the real and personal estate of said county subject to taxation for revenue purposes, so that it does not exceed forty cents on each one hundred dollars in value thereof in any one year; and that all the laws of the statute applicable to the collection of revenue shall apply to the tax thus levied; that the money thus levied and collected,

1876. or for which said bonds may be sold, shall be applied to the building and repairing of bridges and purchasing the right to establish public roads in said county, and for the liquidation of debts already contracted for like purposes, and for building and repairing the public buildings.

§ 2. This act shall take effect from its passage.

Approved February 23, 1876.

CHAPTER 226.

AN ACT relating to the New Orleans, St. Louis, and Chicago Railroad Company, a corporation formed by the consolidation of the Mississippi Central and New Orleans, Jackson, and Great Northern Railroad Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the consolidation of the Mississippi Central Railroad Company with the New Orleans, Jackson, and Great Northern Railroad Company into the corporation known as the New Orleans, St. Louis, and Chicago Railroad Company, under and in pursuance of the articles of consolidation entered into between the first two named companies, is hereby ratified and confirmed as of the date of the adoption of the said articles; and the exercise within this State by the said consolidated company of all the franchises, rights, liberties, and privileges mentioned in the act of the General Assembly of this Commonwealth, entitled "An act to authorize the Mississippi Central Railroad Company to extend its road into and through the State of Kentucky," approved March 18th, 1872, is hereby ratified and confirmed; and the said New Orleans, St. Louis, and Chicago Railroad Company is hereby declared a corporation of this State, and is invested with all the franchises, rights, liberties, and privileges in the said act mentioned.

§ 2. Laborers upon the said road for four months' wages upon the same, and persons injured in person or property, shall have a lien on the rolling stock of the said railroad and its earnings, any mortgage to the contrary notwithstanding.

§ 3. This act shall take effect from its passage.

Approved February 23, 1876.

CHAPTER 229.

1876.

AN ACT to incorporate the town of Glencoe, in Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Glencoe, Gallatin county, with the following boundary, viz: All that ground embraced in the lots sold by M. J. Williams, the Howard addition to said town, except that portion west of the street running in front of B. F. Howard's warehouse, and all the depot and railroad grounds lying contiguous to the lots sold by M. J. Williams, be, and the same is hereby, incorporated, under the name and style of "The Town of Glencoe." A. D. Daniels, Thomas Williams, John Shelton, William Parish, and R. E. Foster are hereby appointed trustees of said town, and shall hold their office until their successors be elected and qualified, and they and their successors in office shall have perpetual existence; and, under the corporate name of "The Trustees of the Town of Glencoe," may sue and be sued, plead and be impleaded, defend and be defended against, in any and all the courts of this Commonwealth. It shall be the duty of the trustees to give public notice by posting up in three public places in said town notices of an election for trustees. At said election every qualified voter residing within the limits of said town, who have paid their taxes and fines, shall be entitled to a vote.

Boundary.

Trustees.

Powers.

Duties.

§ 2. The trustees shall have power, and it shall be their duty, to pass all ordinances, by-laws, rules and regulations, for the good government and well-being of such town; to levy a poll-tax not exceeding two dollars on each qualified voter within the corporate limits, and an ad valorem tax not exceeding twenty-five cents on each one hundred dollars' worth of property, real, personal, and mixed; to tax all auction sales, itinerant shows and exhibitions for money, such sums as they may deem proper; to declare what are nuisances, and to remove the same; to condemn faulty chimneys and flues, and to do any and all acts necessary to give effect to all their powers herein conferred: *Provided, however,* They do no act inconsistent with the laws of this State or of the United States.

Shall pass by laws, levy tax, &c.

§ 3. That it shall be the duty of the trustees to appoint a clerk and treasurer, and by ordinance define their duties; and they shall require of the treasurer a bond, with good and sufficient security, for the faithful performance of his duty.

Shall appoint clerk and treasurer.

1876 ,

§ 4. All taxes levied and collected, and all fines and forfeitures, shall be paid to the treasurer of said town; and no money shall be drawn from the treasury of said town, except it be upon the warrant of the chairman of the board of trustees by order of the board.

Police judge—
how and when
elected.

§ 5. The police judge shall be elected at the regular August election in the year 1876, and every four years thereafter, the same qualifications being necessary for voting as those prescribed for the election of trustees. Said police judge shall, by virtue of his office, be a conservator of the peace, and before he enters upon the duties of his office, before the judge of the Gallatin county court, take an oath to faithfully and impartially discharge the duties of said office, and shall take such other oaths as are required of justices of the peace. The police judge shall have concurrent jurisdiction with justices of the peace, and shall be entitled to the same fees. He shall have exclusive jurisdiction of all infractions of by-laws and ordinances of said town. The police judge shall have power to hold examining trials, and hold parties over to higher courts. He shall have power to fine for contempt in any sum not exceeding five dollars, and imprison not exceeding six hours. He shall have power, upon the verdict of jury, to cause any person fined for violation of any ordinance or by-law, or found guilty of misdemeanor under the General Statutes, or of petit larceny within the limits of said town, to work upon the streets of said town for one day of eight hours for each two dollars of both fine and costs.

Shall take oath.

Jurisdiction and
fees.

Powers.

Marshal—how
and when elected
Shall give bond.

§ 6. The town marshal shall be elected by the qualified voters of said town on the first Monday in August, 1876, and biennially thereafter, and shall hold his office for two years; shall take the same oaths required of constables of Gallatin county; shall execute bond, with good security, the same as is required of constables of Gallatin county, with the additional covenant that he will discharge the duties of town marshal to the best of his ability according to law. The town marshal shall have jurisdiction concurrent with constables of Gallatin county. It shall be the special duty of the town marshal to execute all processes issued from the police court for an alleged violation of any by-law or ordinances of said town; to promptly collect all taxes, fines, and forfeitures, and pay the same to the treasurer of said town.

§ 7. The trustees, before entering upon the duties of said office, shall take an oath before some justice of the peace of Gallatin county to faithfully perform the duties of town trustees, which oath shall be entered upon the record-books of said corporation.

1876.

Trustees shall
take oath.

§ 8. This act to take effect from its passage.

Approved February 23, 1876.

CHAPTER 230.

AN ACT to legalize the action of the Livingston county court at October term, 1872.

WHEREAS, At the October term, 1872, of the Livingston county court (the presiding judge and a majority of the justices of said county sitting), it was ordered by the court that the special tax for the repairs on the court-house for the ensuing year be fixed at (20) twenty cents on each \$100 worth of property, and 50 cents on each poll, and the sheriff is ordered to collect the same; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said orders of the Livingston county court, made at its October term, 1872, for the purpose of levying a tax upon the property of the county and tithables therein, to to pay for the repairs of the court-house of said county, and for paying other county indebtedness, and all acts done in pursuance thereof be, and the same is hereby, legalized and declared valid.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1876.

CHAPTER 231.

AN ACT for the benefit of F. M. Woosley, sheriff of Edmonson county.

WHEREAS, William Dicus, late sheriff of Edmonson county, resigned his office as sheriff aforesaid, early in the spring of 1875; and whereas, no man would accept the office of sheriff or collector of the revenue under an appointment; and whereas, F. M. Woosley, the present sheriff of said county, was elected to said office at the August election in

1876.

1875, to fill the vacancy caused by the resignation of William Dicus; and whereas, the tax-book was not delivered to the said F. M. Woosley, sheriff of Edmonson county, by an election as aforesaid, for the period of about three weeks after his election; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said F. M. Woosley, sheriff of Edmonson county, have the further time until the first day of June, 1876, in which to collect and pay into the Treasury the revenue due from Edmonson county for the year 1875: *Provided*, He shall report to the Auditor of Public Accounts every sixty days, as now required by law: *And provided further*, That the securities of said sheriff shall, in writing, consent to the extension of time in the county court of Edmonson county, which written consent shall be entered upon the county court order-book by the clerk of said court; and that said sheriff shall have the further time until the 1st of March, 1876, to make out and report a list of the delinquent tax-payers of said county to the county court thereof, as the law now directs, by which he shall have a credit in his settlement with the Auditor of Public Accounts of the revenue of 1875.

§ 2. This act to take effect from and after its passage.

Approved February 23, 1876.

CHAPTER 233.

AN ACT to change the county line between the counties of Knox and Bell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between the counties of Knox and Bell be changed so as to run from the top of the ridge, at the head of the Mill Shoal branch, a straight line to Cumberland river, opposite the mouth of Mark branch; thence with said branch to the county line between the counties of Knox and Bell, including the farm of John Goodin, known as the Mark farm, in the county of Bell: *Provided*, That nothing herein shall be construed to release the property annexed to Bell county from the payment of any tax assessed against it to pay any debt now owing by Knox county.

§ 2. This act shall be in force from and after its passage.

Approved February 25, 1876.

CHAPTER 234.

1876.

AN ACT for the benefit of the devisees of Joseph Brown.

WHEREAS, Joseph Brown, of the county of Nelson, in this State, by the 25th clause of his will, devised as follows, viz: "The rest and residue of my estate I will and bequeath to the descendants of my three uncles, Benjamin Brown, William Brown, and Thomas Brown. My three uncles above named are all dead, and their children or descendants are unknown to me—at least some of them. My desire is that this bequest shall go to such of their children as are living; and where a child of either has died leaving children, the children of said deceased child shall take such part as their parent would take if living." Said uncles had fourteen children; and, by the decision of the Court of Appeals in 6th Bush, page 648, it was held that the fourteen children took *per capita*. One of said children, named Ruth Adams, has not been found, and it is not known whether she was living or not at the death of the testator; and, while the suit was pending in the Nelson circuit court for a settlement and distribution of said estate, the Commonwealth of Kentucky brought suit against the executor of said testator to escheat the one fourteenth that Ruth Adams would have been entitled to, and said court gave judgment for the same against said executor; and, on the 28th day of March, 1874, said executor paid over the same to the Auditor of Public Accounts, amounting to the sum of nineteen hundred and eleven dollars and seventy-one cents. Said executor prosecuted an appeal to the Court of Appeals from judgment, and said court reversed said judgment; but said reversal was after said judgment had been paid to the Auditor by said executor. On the return of the case to the circuit court from the Court of Appeals, the Commonwealth dismissed her said action. The action of Joseph Brown's executors against Joseph Brown's devisees for a settlement and distribution of his estate is still on the docket of the Nelson circuit court. The money was paid over to the Auditor by the executor before the action was reversed by the Court of Appeals, and the devisees are without remedy at law against the Commonwealth to have said money refunded; therefore,

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasurer, payable to Samuel C. Bealmear, executor of Joseph Brown, for the sum of nineteen hundred and eleven dollars and seventy-one cents, payable out of any money in the Treasury not otherwise appropriated, to be by said executor distributed to the devisees of said Joseph Brown under the orders and judgments of the Nelson circuit court.

§ 2. This act shall be in force from its passage.

Approved February 25, 1876.

CHAPTER 235.

AN ACT for the benefit of keepers of ferries in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That where the keepers of ferries in Campbell county, in this Commonwealth, by agreement shall sell packages of tickets for a less sum than the rates established by the county court of Campbell, in this State, for the transportation of passengers, it shall not be lawful to transfer such tickets to any other person or persons than to those to whom the same are sold and delivered by the keepers of said ferries.

Penalty. § 2. Any person selling or transferring said tickets to others shall be liable to a penalty, to be recovered before any magistrate or justice of the peace in and for the county in which the offense is committed, of ten dollars, by the keeper of said ferry.

§ 3. This act shall take effect from and after its passage.

Approved February 25, 1876.

CHAPTER 236.

AN ACT to allow the voters of Marshall county to vote on the question of removing the county seat of Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That in making out the poll-books for the various voting precincts in Marshall county, for the purpose of record-

1876.

ing the vote of the county at the election to be held on the 1st Monday in August, 1876, the clerk shall prepare two columns in each and every book, for the purpose of ascertaining the desire of the people of said county in relation to moving the county seat of the county from Benton to Birmingham, said columns to be prepared as other columns in poll books are prepared, and the first shall be headed "for removal," the second shall be headed "against removal;" and in taking the vote on said 1st day of August, the question shall be distinctly put to every voter: "Are you for or against the removal of the county seat from Benton to Birmingham?" and the clerk of the election shall record the vote in accordance with the answer.

§ 2. That the vote on said question shall be kept recorded and counted, and the result made known at the same time, and in the same manner, and by the same officers, as is now required by law in the election of county officers.

§ 3. That if a majority of all the votes cast are against the removal, then no further steps shall be taken in the matter; but if the majority of all the legal voters of said county vote for the removal, then, as soon as the necessary offices and a court-house can be built at Birmingham, the books and records of the county shall be transferred thereto, and the various courts of the county, now held at the county seat, shall be held at Birmingham, and Birmingham shall thereafter be the county seat.

§ 4. That in the event that a removal is decided to be had, as soon as the fact is ascertained, the county judge shall appoint three reliable citizens, residents of Birmingham precinct, as a committee to ascertain what amount of money can be obtained by donation from the citizens of the county for the purpose of erecting suitable public buildings at Birmingham; and said committee shall be required to see that every donation for said buildings, if not paid in cash, is properly secured; and they shall report the amount of the donations made for the purpose to the county judge within thirty days from their appointment: *Provided*, That nothing in this act shall prevent persons living out of the county from donating money or material for the purpose herein named.

§ 5. That when said committee have made their report, as soon thereafter as may be, the county court shall issue the

1876. bonds of the county, not to exceed ten thousand dollars, in denominations of fifty and one hundred dollars, to bear interest at the rate of eight per cent., payable annually, and the bonds to be redeemable at pleasure: *Provided*, They shall not run over ten years.

§ 6. That the county court shall appoint three persons, who shall be known as the commissioners of public buildings for Marshall county, who shall give bond for the faithful performance of the duties imposed on them, in a sum not to exceed ten thousand dollars.. Said commissioners shall have charge of all the funds raised for the construction of the public buildings in said county, and shall contract for and superintend the construction of such public buildings necessary to be built at said Birmingham as the county court may direct, and shall pay for the same out of the funds raised as provided in this act, and report their action to the county court, and pay into the county treasury any funds left in their hands after the buildings are completed.

§ 7. This act shall take effect from its passage.

Approved February 25, 1876.

CHAPTER 237.

AN ACT for the benefit of C. K. Cluke.

WHEREAS, Harry Kerr, of Bourbon county, Kentucky, by his last will, made provision for the fencing of the family burying-ground on his farm, on which he then resided, and in which he was buried; and there are also buried in said graveyard the following persons of his family, to-wit: Harry Kerr, Henry S. Kerr, Harry Kerr, jr., and any others of his family. At his death he left his wife surviving him; she is now deceased. He also left his daughter, C. K. Cluke, who is now living, and she desires to take up and remove her father and all the other persons named above, being of her family and relations, to the cemetery at Lexington, Kentucky. Now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Mrs. C. K. Cluke is granted the right and privilege of taking up the remains of Henry Kerr, Harry Kerr, Harry Kerr, jr., and others of the family of Henry

Kerr that she may desire to remove, and removing them to the cemetery at Lexington, Kentucky, together with all the monuments and grave-marks that belong and appertain to said graves: *Provided*, That nothing herein contained shall be construed to authorize said C. K. Cluke to remove the remains of her deceased sister, Mrs. E. I. Thomas, if objected to by said deceased sister's son, E. K. Thomas, or the remains of the father and brother of Wm. H. Kerr against his will, nor remove the several grave-marks that pertain exclusively to the graves of E. K. Thomas' mother, or to the graves of the deceased father and brother of Wm. H. Kerr.

1876.

§ 2. This act to take effect from and after its passage.

Approved February 25, 1876.

CHAPTER 238.

AN ACT to incorporate the Walnut Bend Fence Company, in Henderson and Union counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Soaper, H. P. Randolph, F. T. Crutchfield, George L. Robards, Charles Elliott, G. B. Martin, their associates and successors, as hereinafter designated, be, and are hereby, constituted a body-politic and corporate, under the name and style of the Walnut Bend Fence Company, with power to sue and be sued, to contract and be contracted with, and to exercise such powers and to perform such acts as may be necessary or convenient to the carrying out of the purposes of the corporation as hereinafter declared.

Corporators.

Name.

§ 2. All persons now or hereafter owning lands situate within the following described boundary, viz: that section of land lying in the counties of Union and Henderson, and bounded on the one side by the Ohio river, and on the other by a line drawn across the bend in said river from a point on the river known as Pritchell's landing, in Henderson county, to the lower edge of Carman Powell's lands, in Union county (said line being so drawn as to include all the lands subject to overflow from the river between the points above named), shall be, so long as they are owners of lands within said boundary, members of said corporation, and entitled to vote in its meetings.

Additional corporators.

1876.

Power.

§ 3. Said corporation shall have power to build, rebuild when necessary, and keep in repair one common fence, a post, plank; or rail fence, between the two points on the Ohio river above mentioned, or as near thereto as may be practicable, and so as to inclose as nearly as may be the lands subject to overflow as aforesaid : *Provided*, That said fence shall be built only on the lands of members of said corporation.

Quorum—what constitutes.

§ 4. The members of the corporation may vote in person or by proxy, and two thirds of the members thereof shall be necessary to constitute a quorum for the transaction of business, except that a smaller number may adjourn from time to time.

May enact by-laws and elect directors and officers.

§ 5. The members of said corporation may adopt a constitution and by laws for the government of the corporation not inconsistent with this act or with the Constitution of this State or of the United States; they may provide for the election of a board of directors and other proper officers, and may, by law, define the powers and duties of said directors and officers; and said directors and officers may exercise the powers and shall be subject to the duties assigned to them.

May prohibit stock from running at large.

§ 6. Said corporation may, by its constitution and laws, prescribe the times within which stock shall not be permitted to run at large within the inclosed boundary aforesaid, and may provide for the imposition and collection of such fines and penalties upon its members as may be necessary to the carrying out of the objects of this act, and may provide for the assessment and collection from its members of a tax sufficient to enable it to build, to rebuild when necessary, and to keep in repair the fence aforesaid; said tax on the members to be in proportion to the number of acres owned by them respectively within the boundary above described. The deeds on record in the county in which the lands may lie shall be *prima facie* evidence of the number of acres owned by the parties respectively holding such deeds.

May enforce and collect fines and penalties.

May tax members.

The tax a lien, &c.

§ 7. The tax aforesaid, when assessed, shall constitute a lien on the lands embraced within the boundary aforesaid, which may be enforced by the court of competent jurisdiction of the county in which the lands, or the greater part thereof, may lie.

§ 8 The said corporation may purchase any fence already built along the route of the proposed fence, and which may conveniently be made part thereof.

§ 9. It shall be the duty of the persons named as corporators in the first section of this act to call a meeting of the members of the corporation to be held on the first Saturday in April, 1876, or as shortly thereafter as to them may seem best, and not later than the first Monday in June, 1876. The notice shall be given by printed posters, put up at not less than five prominent points within said boundary, or by publication in some newspaper published in Henderson and Union counties; said notice to be signed by at least two of said corporators, and giving the time and place of holding such meeting.

1876.

Meeting of corporators — when held and how.

Approved February 25, 1876.

CHAPTER 239.

AN ACT to authorize Graves county court of claims to issue county bonds, and to create sinking fund to liquidate the same.

WHEREAS, The present jail-house in said county is insecure and unfit for the incarceration of prisoners, and has been condemned as such by the court of claims for said county, and said court of claims has ordered a new jail to be built under an appropriation for that purpose of the sum of fifteen thousand dollars; and as it is to the interest of said Graves county that said jail shall be paid for when completed, and by doing so several thousand dollars may be saved to the tax-payers of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Graves county court of claims is hereby authorized and directed to issue the bonds of said county, not exceeding fifteen thousand dollars in amount, at not longer date than ten years, to bear an interest not exceeding ten per cent. per annum, which bonds may be in such amounts, and principal and interest payable at such place or places, as the said county court may direct, the interest to be payable semi-annually.

May issue bonds.

§ 2. To meet the annual interest on said county bonds, to pay all the expenses incident to the issue thereof, and the payment of principal and interest, and all expenses incident to the conducting of a sinking fund, and to provide a sinking fund fully sufficient to pay the principal when due, it shall be

Interest on bonds—how paid

1876. the duty of the court of claims for said county annually to levy an ad valorem tax on the property subject to pay State revenue, which, when added to poll-tax, shall be sufficient to defray the necessary county expenses, and the expenses before named, and put with the principal of the sinking fund at least one thousand five hundred dollars annually, until a sufficient fund is provided to pay said bonds when due.

Commissioner
—how and when
elected.

§ 3. That the said court of claims, at its next session held for said county after the passage of this act, shall elect a commissioner of sinking fund; and the commissioner so elected shall continue in office until the court of claims held for said county at its regular October term, 1877, at which time there shall be a new election, and annually thereafter at said time, until said bonds are fully paid off, which elections shall be by private ballot; and before any one is declared elected, he shall have received a majority of all the votes cast, being a majority of the votes of the justices of the peace present. Said sinking fund commissioner, and his successors, is constituted a body-politic and corporate, by the name of "The Graves County Sinking Fund Commissioner," and as such, and by that name, may contract and be contracted with, sue and be sued; but before the funds of the county raised for the sinking fund purposes shall be put into his hands, he shall execute bond to the Commonwealth of Kentucky, with good surety, to be approved by the judge of the Graves county court, in double the amount of funds which may go into his hands or be under his control for the ensuing year; and it shall be the duty of said judge to have said bond renewed at any time when he shall deem it insufficient. It is also hereby provided, that when a vacancy occurs in said office of commissioner by death, resignation, or otherwise, that the county judge of said county shall have the power to fill said vacancy by appointment, which appointee shall hold office until the next succeeding October court of claims held for said county.

Powers.

Shall give bond.

Vacancy—how
filled.

May loan mon-
ey on bond and
surety.

§ 4. It shall be the duty of said sinking fund commissioner to loan out the money raised by the county for sinking fund purposes, and to take bond and good surety therefor; and there shall be a prior lien for any such indebtedness due said sinking fund commissioner, on the property of those so indebted from the date of said indebtedness; and for any malfeasance, misfeasance, or nonfeasance of duty by said commis-

sioner, the said county court of claims may recover, by motion or suit in the Graves circuit court, on said commissioner's bond.

1876.

§ 5. The rate of interest at which said sinking fund money shall be loaned by the said commissioner shall be ten per cent. per annum, payable annually; and said interest shall be compounded if not paid promptly; and, if paid promptly when due by said borrowers, then it shall be loaned out by the said commissioner at like rate, and with like bond and security, and with like lien as the principal, the object being to loan out the principal of said sinking fund money at ten per cent. and to make the said interest principal, to be loaned as fast as accrued at the same rate.

Rate of interest.

§ 6. Before entering on the discharge of his duties, said sinking fund commissioner shall take an oath well and faithfully to discharge his duties, and to the best of his ability, according to law.

Shall take oath.

§ 7. It shall be the duty of the county court of claims annually to order the sheriff or county collector to pay over to said sinking fund commissioner the amount directed to the principal of the sinking fund; and should he fail to do so, said sinking fund commissioner shall motion the sheriff or collector and his sureties, before the county judge in county court, which court shall render judgment on the bond of such sheriff or collector, which judgment shall not be repleviable; and any execution which may issue thereon shall be indorsed, "no surety of any kind to be taken," and the money shall be demandable thereon.

Sheriff or collector to pay over to commissioner.

Failure to do so.

§ 8. The county court of claims shall authorize said sinking fund commissioner to sell said county bonds; but they shall not, in any event, be sold at less than their par value; and said court shall direct the manner of the selling said bonds, that is, whether said bonds shall be sold at public outcry to the highest bidder above their par value, or by private sale; and said court shall, from time to time, make orders for reasonable compensation to said sinking fund commissioner for his services.

Bond must bring par value.

§ 9. It shall be the duty of the sheriff, if the county court of claims shall so order, to collect the poll and ad valorem taxes levied for the purpose of paying the annual interest and of adding to the sinking fund; and for any breach of duty

Sheriff to collect taxes levied for interest.

1876. therein, a motion may be maintained against him and his sureties on his bond.

§ 10. The sinking fund commissioner shall not loan out said sinking fund, or interest thereon, the last year before said bonds are due, but shall collect the said loans so as to have the funds on hand to meet the bonds of the county at maturity; and they shall be authorized, any time during the last year said county bonds have to run, to exchange at par any indebtedness due said sinking fund for any of said county bonds, and shall likewise have the right to liquidate any such bonds with any cash on hand, under such conditions as may be prescribed by said county court of claims.

How bonds
ordered to be is-
sued.

How signed.

§ 11. Said county bonds shall be ordered to be issued by a county court consisting of a majority of all the justices of the peace of said county, with the county judge (or such person as may be authorized by law to act in his place) presiding, and shall be signed by the presiding judge of said court and attested by the county clerk; and if semi-annual coupons be desired by said court for the interest, they shall be signed by the county court clerk.

Defaulting sher-
iff or collector
must pay interest

§ 12. Should the sheriff or county collector have to be motioned or sued for any default as herein provided, by either the county court of claims or the sinking fund commissioner, the court rendering judgment shall also add to the principal sum interest at the rate of ten per cent. per annum from the time the principal should have been paid or the default occurred, and direct that said judgment shall bear interest at the same rate from its date until paid.

§ 13. That the county court of claims shall place in said bonds a stipulation that the same may be paid off at the pleasure of said court; and instead of ordering the money raised for the sinking fund to be loaned out, may apply the same, or any part thereof, to the payment of any of said bonds.

§ 14. This act shall take effect and be in force from its passage.

Approved February 25, 1876.

LAWS OF KENTUCKY.

CHAPTER 240.

1876.

AN ACT incorporating the Fourth Presbyterian Church of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Jos. Robb, Stephen Snodgrass, R. D. Hall, Ferguson Smith, and M. L. Virden, jr., and their successors in office, are hereby created a body-politic and corporate, by the name and style of the trustees of the Fourth Presbyterian Church of the city of Louisville, and by said name to have perpetual succession, and full power to purchase, take by devise, bequest, gift, deed, or otherwise, any real or personal estate or property, and hold same for the use and benefit of said church, according to the discipline thereof, and also full power and authority to sell, convey, mortgage, or encumber said property, or any part or portion thereof, so acquired, purchased, or received hereafter, or now owned or held by said church; and this when and as often as in the opinion of said trustees shall be considered for the use, benefit, convenience, comfort, or advantage of said church, and to exercise all the power or powers necessary for, and incident to, religious corporations, not inconsistent with the Constitution and laws of this State or of the United States; and by that name may contract, be contracted with, sue and be sued, plead and be impleaded, in any of the courts of this Commonwealth.

§ 2. The said trustees and their successors shall continue in office until their successors are elected and appointed, which shall be done according to the discipline and usage of the said church now worshiping at Louisville, or in such manner as may by said church be hereafter fixed; and said trustees and their successors so elected shall hold until their successors are appointed and qualified, and all vacancies may be filled, from time to time, as they may occur; a majority of said trustees shall constitute a quorum to do business; they shall elect from their number a chairman and secretary; and all contracts, deeds, mortgages, pleadings, and every other instrument of writing necessary to be executed by said trustees, shall, at the instance of said trustees, be signed or acknowledged by such chairman and secretary only, with the same effect as if signed or acknowledged by each and every member thereof; and said trustees shall keep a true and correct record of their

1876.

proceedings, which shall be at all times open to the inspection of the members of the church.

§ 3. This act shall take effect from its passage.

Approved February 25, 1876.

CHAPTER 241.

AN ACT to authorize Logan county court to borrow money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sinking fund commissioners for Logan county, or the presiding judge of the Logan county court, are hereby authorized and empowered to borrow money in amount sufficient to promptly pay interest falling due April 1st, 1876, on said county bonds issued in aid of the construction of Memphis branch of the Louisville and Nashville Railroad, a majority of the justices of the peace concurring, and entered of record on the record-book of said county court.

§ 2. This act shall take effect from its passage.

Approved February 25, 1876.

CHAPTER 242.

AN ACT to authorize the sale of the stock owned by the Logan county court in the Louisville and Nashville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the sinking fund of Logan county, appointed under the charter of the Louisville and Nashville Railroad Company, be, and they are hereby, authorized and empowered, with the concurrence of a majority of the justices of the peace of said county, entered of record in court on the records of the Logan county court, to sell and dispose of any or all of the stock owned by said county court in said company, at their discretion, both in regard to the quantity of stock sold and the price it is sold for.

§ 2. All laws in conflict with this act are hereby repealed.

§ 3. This act to take effect from its passage.

Approved February 25, 1876.

CHAPTER 244.

1876.

AN ACT for the benefit of the tax-payers of Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter it shall be the duty of the sheriff of Hardin county to collect and account for all taxes levied by the Hardin county court to pay the interest on the railroad bonded debt of Hardin county, and to pay the said tax over to the railroad commissioners when due ; and he and his sureties shall be bound on his official bond for the collection of the same, as they are now bound for the State revenue.

Sheriff to collect taxes for payment of interest on bonds.

§ 2. The sheriff, for collecting the taxes named in the first section of this act, shall receive for the collection of said taxes the same compensation he receives for collecting the State revenue.

Compensation.

§ 3. This act shall take effect from and after its passage.

Approved February 25, 1876.

CHAPTER 245.

AN ACT to legalize the proceedings of the Washington county court in regard to the sheriff's bonds.

WHEREAS, It is represented to the General Assembly that Uriah Shumaker, sheriff of Washington county, executed his official bonds, as required by the General Statutes, before the Washington county court, on the 24th day of January, 1876 (that being the regular county court), instead of the first Monday in January, 1876, and which bonds and securities thereon were approved by said court ; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the proceedings of the Washington county court, had at its January term, 1876, in receiving and approving the official bonds of Uriah Shumaker, sheriff of said county, be, and the same are hereby, legalized ; and the bonds so received and approved shall have the same effect in law as if executed on the first Monday in January, 1876 : *Provided*, That the sureties on said bonds shall, on or before the first Monday in March, 1876, come before said court and consent to the provisions of this act.

§ 2. This act shall be enforced from and after its passage.

Approved February 28, 1876.

1876.

CHAPTER 247.

AN ACT to incorporate Kentucky College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A. E. Sloan, Edward P. Humphrey, Edmund T. Perkins, Samuel S. Mark, John T. Moore, John M. Armstrong, John G. Barrett, Richardson Burge, Charles B. Cotton, James L. Dallam, Edmund L. Davidson, George Emerson, William Ernst, John R. Gaither, Waldo P. Goff, William J. McKnight, William A. Meriwether, Silas F. Miller, Henry C. Morton, Peter B. Muir, R. S. Ratcliffe, Jonas H. Rhorer, Robert L. Stanton, John Van Horne, George W. Williams, Henry M. Woodruff, and John M. Worrall, are hereby constituted a body-corporate, by the name of "Kentucky College," to be located in Pewee Valley, Oldham county, Kentucky; and by that name they and their successors shall have perpetual existence as a corporation; they shall constitute the first board of trustees, with power to fill vacancies as they may occur from time to time; to elect from their number a president, secretary, and treasurer. The said corporation shall have power to sue and be sued, to contract and be contracted with; to make and use a common seal, and to alter the same at pleasure; to purchase, take, and hold, by gift, grant or devise, and to dispose of any real or personal estate.

Corporators.

Name.

Trustees.

Officers elected.

Corporate powers.

May acquire real and personal estate, &c.

§ 2. The object and purpose of said corporation are hereby declared to be to promote the education of young women in literature, science, and the arts.

§ 3. The college may grant to students under its charge, and to others possessing unusual literary attainments, diplomas or honorary testimonials, in such form as it may designate. It may also grant and confer such honors, degrees, and diplomas as are granted by any university, college, or seminary of learning in the United States.

May confer honors.

§ 4. Diplomas granted by the college shall entitle the possessors to the immunities and privileges allowed by usage or statute to the possessors of like diplomas from any university, college, or seminary of learning in this State.

§ 5. Five trustees shall constitute a quorum for the transaction of business, and for all purposes except the purchase or sale of real estate. No purchase of real estate shall be made except with and by the approval of a majority of the

Quorum—what constitutes.

trustees, nor shall any sale of real estate be made except with and by the approval, in writing, of at least three fourths of the trustees.

1876.

§ 6. The corporation may adopt by-laws, and make any other rules and regulations for the management of the college and to carry out its object, not inconsistent with this act, or with the Constitution and laws of the United States or of this State.

§ 7. This act shall take effect and be in force from and after its passage.

Approved February 28, 1876.

CHAPTER 248.

AN ACT to prevent the sale of spirituous, malt, or vinous liquors within one mile of the court-house in the town of Columbia, Adair county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, malt, or vinous liquors, or a mixture of either, in any quantity, within one mile of the court-house, in the town of Columbia, Adair county.

§ 2. That it shall not be lawful for the board of trustees of the town of Columbia, or the county court of Adair county, to grant or issue, or cause to be granted or issued, any license to any person or persons authorizing or empowering such person to sell or vend any spirituous, malt, or vinous liquors, or a mixture of either, within one mile of the court-house in said town of Columbia, and any license so issued shall be void.

§ 3. That if any person shall violate the provisions of the first section of this act, such person, on conviction thereof, shall, for each violation of said section, be fined fifty dollars.

§ 4. That this act shall be in force from and after its passage.

Approved February 28, 1876.

CHAPTER 249.

AN ACT for the benefit of Fletcher Chelf, of Marion county.

WHEREAS, A judgment was rendered by the Bradfordsville city court for (\$75) seventy five dollars against Fletcher Chelf,

1876. of Marion county, for the breach of the peace; and whereas, Preston H. Leslie, then Governor of the State of Kentucky, did, on the 15th day of January, 1875, remit, release, and discharge the said Fletcher Chelf from the sum of thirty-two (\$32) dollars of said judgment; and whereas, prior to the filing of this said pardon in court, the said judgment of (\$75) seventy-five dollars (which amount included the sum of thirty-two dollars, the amount remitted) had been paid by said Fletcher Chelf to the trustee of said jury fund, and paid by him into the Treasury; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of State be, and is hereby, directed to draw his warrant on the Treasurer in favor of said Fletcher Chelf for the sum of thirty-two (\$32) dollars.

Appropriating
\$32.

§ 2. This act to take effect from and after its passage.

Approved February 28, 1876.

CHAPTER 250.

AN ACT for the benefit of Fanny Carr.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Fanny Carr, of the county of Bath, State of Kentucky, be, and she is hereby, allowed the sum of two hundred and forty-two dollars and thirty-three cents, for keeping and providing for Bill Alexander, a pauper lunatic, from the 23d day of March, 1873, up to the 25th March, 1875.

§ 2. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer for that amount in favor of said Fanny Carr.

§ 3. This act shall be in force from its passage.

Approved February 28, 1876.

CHAPTER 251.

AN ACT defining the duty of the sheriff and other officers executing an original process in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the sheriff or other officer executing in Kenton county any original process of the circuit,

or chancery, or quarterly court of said county, upon any defendant residing in said county outside the city of Covington, to inquire of such defendant whether he desires such process to be returned to Covington or Independence; and where such defendant may have the right of election under existing laws, he may, after this act takes effect, exercise such right by verbal direction to such officer as fully and effectually as he might heretofore have done in writing; and it shall be the duty of the officer executing such process to state, in his return thereon, that the defendant has elected to have the same returned to Independence, or that he has not done so, as the case may be.

§ 2. This act shall be in force from and after its passage.

Approved February 28, 1876.

CHAPTER 252.

AN ACT to repeal an act, entitled "An act providing for levying a tax in aid of common schools in Greenup, Boyd, and Carter counties."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act providing for levying a tax in aid of common schools in Greenup, Boyd, and Carter counties," approved March 18th, 1872, be, and the same is hereby, repealed.

§ 2. That this act takes effect and shall be in force from and after its passage.

Approved February 28, 1876.

CHAPTER 253.

AN ACT in aid of common school district No. 29, Marshall county, and district No. 21, in Ballard county.

WHEREAS, School district No. 29, Marshall county, and district No. 21, in Ballard county, has failed up to this time to have a school taught, and the patrons desire a good teacher for three months, rather than an indifferent one for five, and are too poor to supplement the public fund; therefore,

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the teaching of a three months' school in district No. 29, Marshall county, and district No. 21, in Ballard county, be lawful for the scholastic year ending June 30th, 1876.

§ 2. That this act shall take effect from and after its passage.

Approved February 28, 1876.

CHAPTER 254.

AN ACT for the benefit of H. M. Alexander, sheriff of Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That H. M. Alexander, sheriff of Cumberland county, shall have until the first Monday in June, 1876, in which to pay over to the Treasury the revenue of Cumberland county due to the State for 1875: *Provided*, That the securities of said Alexander on his bond as sheriff shall appear before the county court judge of Cumberland county and agree of record to this extension of time.

§ 2. *Be it further enacted*, That the further time of two years from the passage of this act shall be given to said H. M. Alexander in which to collect all taxes due from delinquents in said county of Cumberland.

§ 3. This act to take effect from its passage.

Approved February 28, 1876.

CHAPTER 255.

AN ACT to authorize the purchasers of the property of the Red River Iron Manufacturing Company to organize as a new corporation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the purchaser or purchasers, or their assigns, of the real and personal property of the Red River Iron Manufacturing Company, a corporation created and organized under the chapter 553 of the laws of 1866, and acts amendatory thereof, at any sale or sales made under mortgages executed by that corporation, be, and they hereby are, authorized and empowered to form a new and distinct corporation, under and

in accordance with the terms of said charter, being chapter 553 of the laws of 1866, and of the several acts amendatory thereof, by the name and style of the Kentucky Red River Iron Manufacturing Company; and the new corporation shall have and possess all the rights, powers, and privileges, and be subject to all the restrictions contained in said charter, and the amendments thereto.

2. This act shall take effect from its passage.

Approved February 25, 1876.

1876.

CHAPTER 256.

AN ACT to prohibit the sale of spirituous, malt, or vinous liquors in Glasgow, and within one mile from the outside boundary thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful to keep, use, or occupy any house in Glasgow, or within one mile of the outside boundary thereof, any house where spirituous, vinous, or malt liquors, or any mixture of either, is retailed, furnished, sold, or given away, to be drank in, about, or around said house, or within the corporate limits of said town, or within one mile from the outside boundary of said town. Any person violating the provisions of this section shall be deemed guilty of keeping a tippling-house, and, on conviction thereof, shall pay a fine of one hundred dollars for every twenty-four hours said house shall have been so kept, used, and occupied.

§ 2. *Be it further enacted,* That it shall not hereafter be lawful for any person within the town of Glasgow, or within one mile from the outside boundary thereof, to sell spirituous, vinous, or malt liquors, or any mixture of either, to be drank in said town, or within one mile of the outside boundary thereof, sell the same and the same shall be so drunk, such person so offending shall be deemed guilty of keeping a tippling-house, and, on conviction, shall be fined in the sum of one hundred dollars for the first offense and two hundred dollars for every subsequent offense.

§ 3. This act shall take effect from and after its passage.

Approved February 28, 1876.

1876.

CHAPTER 257.

AN ACT to incorporate the Mount Sterling Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. H. Savage, as president, and Richard Apperson, jr., Richard Reid, Wm. H. Winn, Thomas H. Summers, and J. M. Bigstaff, as a board of council, and their successors, appointed by the president and faculty, shall be a body-politic and corporate, by the name and style of the "President and Board of Council of the Mount Sterling Female College;" and as such shall have perpetual succession, and a seal of the college.

§ 2. That there shall be a faculty of said institution, composed of a president and such professors and teachers as may be necessary to a thorough and extensive course of English and classical instruction; they shall determine the course of study and discipline to be adopted in said college; and shall make such by-laws and regulations as may be necessary for their own government not inconsistent with the laws of the State of Kentucky.

§ 3. That the faculty shall have power, with the advice and consent of the board of council, to confer degrees and grant diplomas, signed by the faculty and board of council, together with the seal of the college, which shall be as valid as those conferred by any institution or college in this or any other State: *Provided*, That no degree shall be conferred upon any of the students but those who shall have completed the prescribed course of study, passed a satisfactory examination, and who shall have maintained a good moral character.

§ 4. The Mount Sterling Female College shall be located within or very near the limits of the city of Mount Sterling, Kentucky.

§ 5. That the grounds and buildings lately known as Hollywood Female Institute, and at this time leased by W. H. Savage, shall be used for the purpose herein mentioned until his lease expires, and as long thereafter as the incorporators may determine.

§ 6. This act shall take effect and be in force from its passage.

Approved February 28, 1876.

CHAPTER 258.

1876.

AN ACT to amend section six of article thirty-one, chapter twenty-nine, General Statutes, for the benefit of William F. Peak, of Trimble county.

WHEREAS, W. F. Peak is a licensed attorney at law, and also clerk of the circuit court of the county aforesaid; and because of said clerkship he is prohibited from practicing law in the courts of this Commonwealth; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That William F. Peak be, and he is hereby, excepted from the operation and provisions of said section six of article thirty-one, chapter twenty-nine, so as to allow him to practice his profession in all the courts of this Commonwealth, except the court of which he is clerk for the time being, and in the Court of Appeals in cases taken by appeal from the court of which he is the clerk: *Provided*, That no partner of said Peak shall be allowed to practice in the court of which said Peak is clerk.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1876.

CHAPTER 259.

AN ACT to attach Rock House Bottom, in Cumberland county, to Russell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all that portion of Cumberland county known as Rock House Bottom, east of a line running as follows, viz: Beginning at the Russell line where it crosses the top of the dividing ridge between Sycamore and Sand Lick creeks; thence running on said ridge to the Cumberland river, at the mouth of Buck branch; thence with said river up to the Russell line; thence with the Russell line to the beginning, be, and the same is hereby, attached to Russell county.

§ 2. This act shall take effect from and after its passage.

Approved February 28, 1876.

1876.

CHAPTER 260.

AN ACT for the benefit of the People's Building and Loan Association, of Carrollton, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the People's Building and Loan Association, of Carrollton, Kentucky, adopted by said association, and recorded in the office of the clerk of the Carroll county court, be, and the same is hereby, declared to have the same binding force in law and equity as though it had been enacted by the General Assembly of the Commonwealth of Kentucky.

§ 2. That all contracts heretofore made, or which may hereafter be made, by the stockholders of said association, or any of them, with the president and directors thereof, in accordance with said charter, are hereby declared lawful and binding upon the parties thereto, and may be enforced in any court of competent jurisdiction.

§ 3. This act shall take effect from its passage.

Approved February 28, 1876.

CHAPTER 261.

AN ACT for the benefit of Clinton and Cumberland counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Clinton and Cumberland counties be, and are hereby, relieved and exempted from the provisions and requirements of an act approved 11th day of February, 1867, entitled "An act to require the county courts to have one or more fire-proof vaults in their respective counties erected for the safe-keeping of the public records of their respective counties."

§ 2. This act to take effect from its passage.

Approved February 28, 1876.

CHAPTER 262.

1876.

AN ACT to incorporate the People's Gas-light Company, of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. B. Wilgus, J. G. Yellman, Joe Clark, B. J. Tracey, R. A. Buckner, D. G. Falconer, John A. Geary, Thomas Bradley, J. W. Beckley, O. P. Beard, and their associates and successors, be, and they are hereby, declared a body-corporate and politic, by and under the name and style of "The People's Gas-light Company;" and by such name to have perpetual succession, to contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity in this Commonwealth; they may have a common seal, and shall have power to alter or change the same at pleasure.

§ 2. That the capital stock of said company shall be fifty thousand dollars, to be increased by said company as they may think best for the purposes of this act; and the stock shall be divided into shares of fifty dollars each.

§ 3. That the above named persons, or any four of them, after the passage of this act, may open suitable books in the city of Lexington for a subscription of stock, giving notice of the same in one of the newspapers published in Lexington; and may receive the subscription of individuals and corporations for stock; and the city of Lexington, if it sees proper so to do, is hereby authorized to take stock in said company.

§ 4. That it shall be the duty of the commissioners who may thus open books for subscriptions, after the sum of twenty-five thousand dollars shall have been subscribed, to call a meeting of the stockholders, first giving five days' notice in a newspaper published in Lexington of said meeting; and the stockholders present at said meeting may proceed to elect a president and four directors to govern and conduct the affairs of the company; each director and the president shall be the owner of at least one share of stock in said company; and each stockholder shall be entitled to one vote for each share of stock he may own in the election of president and directors, who shall hold their offices for one year, and until their successors are elected and qualified. That on the second Monday in July and January in each year, the company shall make a statement of the affairs of the company, and shall

1876. furnish the same to the stockholders and city council, at which time the semi-annual dividend shall be declared.

§ 5. When the term for which the president and directors are elected is about to expire the president shall give ten days' notice in a newspaper published in Lexington of another election by the stockholders of a president and four directors; and all the directions of the preceding section in reference to the first election shall be applicable to all subsequent elections.

§ 6. That said company may purchase, or in any legal manner receive or acquire, and hold and use any property of any description which may be necessary for the election of such machinery, houses, fixtures, or things as may be required by them to make and supply the city of Lexington and its surroundings with gas-light.

§ 7. That said company have power and authority to lay their pipes, of every necessary kind, by and with the advice and consent of the mayor and council, in and through any of the streets of Lexington, Kentucky, or alleys thereof, or along the line of any road or thoroughfare; and for that purpose to take up the pavements and replace the same, and shall be responsible to the city for any damage which may arise therefrom, or any unreasonable delay in replacing the same; and said company shall be subject to the regulations of the city as to the streets and alleys, and to the same ordinances and penalties that individuals may be subject to; and furnish gas-light to any person on such terms and conditions as the company and such person may agree upon; and any such contract shall be obligatory, and may be enforced in any proper court of this Commonwealth. A contract may also be made in the same manner between the city of Lexington, or any other corporation therein, and said company, which shall be enforced in the same way.

§ 8. That if the city of Lexington subscribe for stock in said company, it may vote in the election of president and directors in proportion to the number of shares of stock owned as individuals may.

§ 9. The whole board of management and control shall consist of a president and four (4) directors, who shall have the power and authority to pass such by-laws and rules for the government of said company, and the transaction of the business of the board, as they shall deem necessary, not in-

consistent with the Constitution and laws of the United States or the State of Kentucky.

1876.

§ 10. That if any person or persons shall willfully, by any means whatever, injure or destroy any portion of the gas-pipes or fixtures, lamps, lamp-posts, burners, or any part of the property, works, or machinery of said company, or shall willfully open a communication into the street, or other gas-pipe, or let on or consume gas after it has been turned off and stopped by the company, such person or persons shall be liable to the company for any and all damages occasioned by such act or acts, and shall, furthermore, be subject to indictment as for a misdemeanor, and, upon conviction thereof, shall be fined in any sum at the discretion of a jury, not exceeding one thousand dollars, or be imprisoned in the county jail at hard labor not exceeding one year, or both so fined and imprisoned at the discretion of a jury; but this section shall not be held to change the law as to arson or willfully burning the houses or property of the company.

§ 11. That the board of management and control shall have power to appoint all such officers and agents, and employ all such workmen, and upon such terms and conditions as will, in their opinion, operate best for the object of the company.

§ 12. That said company shall furnish gas to consumers at a price not to exceed three dollars per thousand cubic feet; and in all public buildings owned and used by the city of Lexington, said corporation agrees to furnish gas to said city at a cost not to exceed two dollars and fifty cents per thousand cubic feet.

§ 13. That the gas company shall put up lamp-posts, fixtures, &c., along the street mains as they are extended, and as the lamp-posts may be ordered and located by the mayor and board of councilmen of the city of Lexington. Said mayor and council shall have the right to appoint a competent person to inspect said gas-works, and the mode of making same, also the kind and quality of gas made and furnished by said company, at least every thirty days, and report upon the kind and quality of gas made and furnished by said company; the said report shall state whether or not the said gas is up to the standard required by this charter, and the same shall be required at all times to come up to said standard.

1876. Said company shall make and publish, semi-annually, a statement of the financial condition of said company. The gas company is to keep the lamps in order, to furnish gas, and to light and extinguish the same; giving to each light an illuminating power of not less than twelve sperm candles; and the time of burning shall be from the dawn of twilight in the evening until the dawn of day in the morning; and said lights shall be furnished to the city at a charge not to exceed twenty-five dollars annually per lamp; but on those nights when there is clear bright moonlight said company shall not be required to light said lamps: *Provided, however,* That the privilege granted in this charter to this company to lay down gas-mains in the streets of the city of Lexington shall not be exercised until the said company file with the council of the city of Lexington its obligation to lay down mains in the streets of said city to the extent of ten miles, and erect such number of lamp-posts as may be proper to furnish sufficient light.

§ 14. That the stock in the hands of the stockholders is exempt from all State tax, and in lieu thereof the State may impose a tax on the capital stock paid in of fifty cents on the hundred dollars; said tax to be collected from the gas company, and when paid to exempt the property and effects of said company from any other or additional tax; but said tax shall not exempt the real estate held by said company from municipal taxation and assessment to the same extent with other real estate in the city held by individuals.

§ 15. This act to take effect and be in force from and after its passage.

Approved February 28, 1876.

CHAPTER 263.

AN ACT to prohibit the sale of spirituous liquors in the town of Monticello, Wayne county, and within five miles of said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That from and after the first day of April, 1876, no license shall be granted by the judge of the Wayne county court, or by the board of trustees of the town of Monticello,

1876.

Kentucky, to vend or sell any spirituous, vinous, or malt liquors, by retail, within said town, or within five miles in any direction from the public square of said town: *Provided*, That druggists and apothecaries may be licensed, without fee, by the trustees of said town to sell the same for medical purposes alone, upon the person or persons applying for such license taking an oath before the chairman of the board of trustees of said town to the effect that they, or any person within their employ, will not sell spirituous or other liquors to any person except on the written order or prescription of some resident practicing physician of the county of sobriety and good standing in his profession. Said order or prescription shall state the name of the person to whom the liquor is to be sold; that the liquor has been prescribed for such person in good faith as a medicine; shall be dated and signed by the physician, and shall only be good for once selling.

§ 2. Any person selling less than ten gallons at any one time shall be deemed a retailer within the meaning of this act; and when as much as ten gallons is sold it shall all be removed from the premises at the time of purchase and sale; and if any part of it is left at the place of sale, with the knowledge, consent, or connivance of the seller, said seller shall be deemed a retailer.

§ 3. Any person violating the provisions of this act shall, on conviction, be fined one hundred dollars for the first offense, and two hundred dollars for each succeeding offense.

§ 4. Any person who shall attempt, by any device whatever, to evade the provisions of this act, shall be deemed a retailer, and any physician who shall give an order or prescription for liquor, for the purpose of evading the true intent of this act, shall be liable to the same punishment as if he had sold the liquor himself.

§ 5. Prosecutions under this act shall be in the name of the Commonwealth of Kentucky, and shall be conducted in the same manner as other prosecutions for offenses against the Commonwealth.

§ 6. The police judge of the town of Monticello, and the judge of the Wayne county court, shall have concurrent jurisdiction with the circuit court of offenses under this act; and the proceeds of all fines and forfeitures shall belong to the

1876. trustees of said town for the purpose of improving the streets and sidewalks of said town, after paying such cost as is provided for by law. And when the town of Monticello shall be represented by an attorney in any case in which conviction is had, an attorney's fee of ten dollars shall be taxed as costs in the case, and on collection paid to said attorney.

§ 7. This act shall take effect from its passage.

Approved February 28, 1876.

CHAPTER 264.

AN ACT to incorporate the Williamstown Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit in Williamstown, Kentucky, with a capital of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid as hereinafter provided; and the subscribers, their associates and assigns, shall be a body-politic and corporate, by the name and style of the "Williamstown Deposit Bank," and shall so continue for twenty years from the passage of this act; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatsoever; it may have a common seal, and change and renew the same at pleasure.

Bank established, Capital stock.

Name.

Corporate powers.

Shall have a common seal.

§ 2. Said bank shall be under the direction and control of seven directors, who shall be stockholders, and, after the first election, shall be elected every two years, on the first Monday of January after the first election, and on the first Monday of January every two years thereafter, and hold office until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of the business, and to appoint such officers, agents,

Directors—when and when elected

Vacancy—how filled.

Power of directors.

1876.

and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bond to secure the faithful performance of their duties, as they shall think proper and reasonable; the stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish.

Stock personal property.

§ 3. O. P. Hogan, John Webb, Thomas M. Combs, William Points, C. D. Reed, Thos. Clark, and E. H. Smith are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock; and when one hundred shares have been subscribed, it shall be their duty to give notice, by printed advertisement or otherwise, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing election. The payment for the shares subscribed shall be made as follows: Five dollars on each share at the time of subscribing, and twenty dollars on each share within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every sixty days: *Provided*, That after five thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue; and should any of the subscribers fail to pay their subscriptions of stock as herein provided, after giving notice to them of their intention for thirty days, the directors may, by resolution entered on their records, forfeit such stock and resell the same at such time as they may deem expedient, and all partial payments made on any stock shall be then forfeited, and shall be held for the benefit of the defaulting stockholder, after deducting the amount of unpaid calls. Said corporation may commence business so soon as five thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the facts of such payment before some judge or justice.

Commissioners.

Powers and duties.

Shares subscribed — how paid for.

Proviso.

Refusal or failure to pay up stock.

Penalty.

When to commence business.

§ 4. Said bank may receive deposits of gold, silver, bank notes, and other notes that may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding the rate of six per cent. per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt, take personal and other securities for the payment thereof, and

1876. dispose of the latter as may be agreed upon in writing at the time of the contract, and the deposit of said securities in all respects as natural persons may do under the law.

§ 5. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

§ 6. It shall not be lawful for said bank to issue any note or bill to be passed and used as currency.

§ 7. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for the purpose.

§ 8. This act shall take effect from its passage; but the General Assembly reserves the right to repeal or modify at pleasure this act.

Approved February 28, 1876.

CHAPTER 265.

AN ACT to prevent trespass in certain counties of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any person shall willfully cut down, impair, or destroy any tree on the land of another person, or, without the consent of the owner, pull down the fence, or destroy or impair or carry away any of the rails, vegetables, fruit, or any part of the crop, whether it be severed or not from the ground, shall be fined not less than five nor more than twenty-five dollars.

§ 2. If any person shall hunt upon the inclosed land of another, without his or her consent, he shall be fined not less than five nor more than twenty-five dollars for each offense.

§ 3. For any violation of this act, jurisdiction is hereby conferred on the county judge, police judge, and any justice of the peace.

§ 4. This act shall only apply to Clark, Garrard, and Montgomery counties; and shall take effect from and after its passage.

1876.

Approved February 28, 1876.

CHAPTER 266.

AN ACT to incorporate the Students' Association of Georgetown College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. J. Rucker, J. A. Bell, J. E. Cantrill, J. A. Lewis, R. M. Dudley, G. V. Payne, J. M. Adams, T. W. Scott, and J. M. Atherton, their successors and associates, be, and are hereby, constituted a body-corporate and politic, under the name and style of the "Students' Association of Georgetown College;" in that name to sue and be sued, to contract and be contracted with; to acquire and hold real or personal property; to convey and dispose of the same at pleasure; to have a common seal, which they may alter or change at pleasure; and to do and perform all such other things as may be necessary or proper to carry out the design of said association, which is the acquisition and management of funds and property in order to endow one or more professorships in Georgetown College, at Georgetown, Kentucky; have power to make all needed rules and by-laws for the government and management of its affairs.

Corporators.

Corporate powers.

May acquire and hold real or personal property.

§ 2. The capital of said association shall be one hundred thousand dollars, divided into shares of twenty dollars each; but the association may organize and begin business when fifteen thousand dollars shall have been subscribed by good and solvent subscribers; and the funds thus derived, or derived from any other source, shall be invested in safe bonds or stocks, or loaned upon real estate, secured by mortgage, which shall be a lien upon the same; and the amount loaned shall not exceed two thirds the fair value of such real estate, exclusive of homestead exemptions, dower, and other liabilities; and said association may contract that the interest on the said loans shall be paid semi-annually; and in case said interest is not paid promptly according to contract, then the whole debt and interest shall become due and payable at the time the interest was to be paid.

Capital stock.

Funds—how invested.

1876.

One vote for
each share of
stock.
Proviso.

§ 3. Each stockholder shall have one vote for each share held by him at all elections of directors, and may vote the same in person or by proxy; but no share shall be voted until the same is fully paid in.

Directors—how
and when elected

§ 4. The affairs of said association shall be managed by a board of directors, who shall be elected from among and by the stockholders during commencement week of Georgetown College, at an election to be held in Georgetown, Kentucky, at some time and place designated. Said board shall consist

Quorum.

of nine members, any five of whom shall constitute a quorum for the transaction of business, and five of whom shall always be residents of Scott county, Kentucky; and from among their number said directors shall, within ten days after their election, choose a chairman, who shall be chief executive officer, and perform all such duties as may be prescribed by the by-laws. They shall also, at the same time, elect a secretary

Secretary and
treasurer—how &
when elected.

and treasurer; and the treasurer shall give bond, with good security, conditioned for the faithful performance of all duties devolved upon him; and to preserve, account for, and pay over all such sums of money, or other things of value, as may come to his hands as said treasurer. It shall be the duty of the board to see that sufficient bond is given, and that the surety is kept sufficient by annual examination of the bond and the condition of the sureties; and no member of the board shall ever be accepted as surety on said bond. And the members of said board shall be personally liable for all damage caused by violation of the provision of this section, as well as for any misappropriation or diversion of said funds consented to by them.

Duties of di-
rectors.

§ 5. No part of the principal of the fund or property owned by said association shall ever be used, except to be invested and reinvested, and carefully preserved; but the income and profit of such may be used after said corporation has become the owner of at least fifteen thousand dollars of profit-bearing funds; and after that the profits may be used, in whole or in part, towards paying the salary of one or more professors of said college, and toward defraying other expenses actually necessary to the success and welfare of the association; and the chair occupied by said professor or professors shall be selected by the corporation, and designated as the "Students' Chair." Said corporation may acquire money or

Principal to be
intact.

property by gift or devise, in trust for the use and purpose
aforesaid. 1876.

§ 6. All sums falling due shall be promptly collected, and if not needed, properly invested. Funds temporarily not needed for paying salary or permanent loan, may be deposited in any bank in this State recognized as solvent, at such rate of interest as may be agreed on, but such deposit shall not remain longer than four months if the same can be invested: *Provided*, A majority of the board of directors shall not be directors in such bank. Funds to be placed on interest. Proviso.

§ 7. The office of the corporation shall be at such place in Georgetown, Kentucky, as the directors may designate, where all meetings of stockholders shall be held, and where the directors, or a majority of them, shall meet at least once a year to consider the business affairs of the association; but no officer or director of the association shall ever, directly or indirectly, receive any compensation for the services rendered the association in his official capacity; and no debt or liability shall be incurred by said association which cannot be discharged out of the profits to accrue during the then fiscal year. Place of office.

§ 8. It shall be lawful for the corporation hereby created to make a contract with Georgetown College, whereby said college will undertake to issue certificates of scholarship to any stockholder in the corporation on such terms as may be agreed on by said college and said corporation; and said college is hereby authorized and empowered to make and carry into effect such contract. May contract for certificates, &c.

§ 9. The persons named as corporators in the first section of this act shall constitute the board of directors until the annual meeting of 1879, and at this and each succeeding annual meeting three of the members of said board shall go out of office, and three others shall be elected for three years. This board of directors shall elect from their number a chairman, a secretary, and a treasurer; and if any fail or refuse to act, those who may act shall fill vacancies from and among stockholders. And each succeeding board shall have power to fill vacancies in their number, until the next regular election, subject, however, to the other provisions in this charter. Election of officers.

Approved February 28, 1876.

1876.

CHAPTER 267.

AN ACT to incorporate the Odd Fellows' Orphanage and Home, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That George Ainslie, John B. Hinkle, Philip Ewald,
 Corporators. John H. Heywood, William Drysdale, G. T. Theobald, Ed.
 McCulloch, Isaac Lieber, G. L. Smith, John Finzer, W. W.
 Drummond, E. M. Stone, Chauncey Miller, Philip Kriescher,
 and Dr. E. A. Grant, associates, be, and they are hereby,
 created a body-corporate and politic, with perpetual succes-
 Corporate pow- sion, by the name and style of "The Odd Fellows' Orphan-
 ers. age and Home, of Louisville, Kentucky;" and by that name
 are hereby made capable, in law and equity, to sue and be sued,
 to plead and be impleaded, contract and be contracted with;
 Common seal. to make, have, and use a common seal, and to change the
 same at their pleasure; and shall have the right to take and
 hold, by purchase, gift, or devise, real and personal estate, and
 to dispose of and convey the same at pleasure: *Provided*, That
 the real estate shall not exceed in value \$100,000, exclusive of
 May acquire the improvements thereon: *And provided also*, That all dona-
 and hold real es- tations or bequests to the institution shall be held sacred for
 tate. the specific objects named in such donations or bequests: *And
 provided further*, That, in view of the beneficent and chari-
 table objects to be accomplished by said institution, its prop-
 erty, whether real, personal, or mixed, shall be at all times
 exempt from city, county, and State taxes.

§ 2. The objects of this institution shall be—first, to pro-
 vide and sustain, in or near the city of Louisville, a home for
 destitute orphans of deceased Odd Fellows, and also to secure
 them proper care, control, support, and education; second,
 to provide a home for widows of deceased Odd Fellows;
 third, to provide a home for the indigent and aged of the
 Order, and infirmary for the reception of sick and afflicted
 Odd Fellows and others who may be placed under its charge.

§ 3. The membership of said institution shall consist of
 active and life members, the condition of such membership to
 be determined by the association, and placed in its by-laws.

§ 4. A meeting of the incorporators named in the first section
 When to com- shall be called, within thirty days from the passage of this act,
 mence business. for the purpose of organizing said incorporators into a board

1876.

of directors, who shall hold office until the regular and permanent board shall be chosen by the members of the association, as herein provided. This permanent board shall consist of fifteen persons, all members in good standing of the Independent Order of Odd Fellows, under the jurisdiction of the Grand Lodge of Kentucky, and who shall officiate until their successors are duly elected and qualified. Five of the board first chosen shall hold office for three years, five for two years, and five for one year, the class of each to be determined by lot at the first meeting of the board after its election. The first annual meeting of the members of the institution shall be held on the first Monday in January, 1877, when, and at each subsequent annual election, five directors shall be chosen to fill, for the space of three years, unless disqualified, the place of whose terms expire; but nothing in this act shall be so construed as to make the members of the board whose terms expire ineligible for re-election.

Directors—how chosen.

Term of office.

§ 5. The board of directors shall elect one of their own number president, and appoint a secretary, treasurer, and all other subordinate officers and agents necessary to conduct the affairs of the institution, prescribe their duties, and affix such compensation for their services as it may deem proper.

Officers—how elected and appointed.

§ 6. The board of directors shall adopt such by-laws and regulations as may be necessary for the government of the institution, fill all vacancies in their own body, and of the officers and agents that may be caused by death, resignation, or otherwise; and a majority shall constitute a quorum to do business.

§ 7. The objects of said institution being purely benevolent and charitable, the board of directors shall have power to receive into its custody, and retain under its exclusive control, any orphans who may be recommended as suitable objects for its care and protection by lodges of Odd Fellows of Kentucky, or by such committees as the lodges may intrust with the duty; also any other orphans whom the board, in its judgment, may approve; and the children who may be received by the said corporation, upon any of the grounds aforesaid, shall, from the time they are received, and until they attain the age of twenty-one years, remain under its charge and subject to its exclusive control.

1876. § 8. Said corporation, for the protection of the person of any child committed to its care, is hereby invested with all the rights of a parent or natural guardian.

§ 9. The superintendent of the said "Odd Fellows' Orphanage and Home" shall have the right, by and with the advice and consent of the board of directors, to apprentice, for a term of one or more years, any of the orphan inmates of the institution, upon such terms and conditions (not inconsistent with the laws of the Commonwealth) as, in their judgment, the welfare of the inmates may require.

§ 10. The person to whom such inmate may be apprenticed shall report quarterly to the superintendent the condition as well as the conduct of the apprentice; and should the party to whom such apprentice may be bound fail to comply with the terms of the indenture, the superintendent and board of directors may cancel said indenture, and receive the apprentice again into the Home.

§ 11. The county court of Jefferson county and the Louisville chancery court shall have the power, on complaint made, to investigate the condition or treatment of any child or children in said institution, and to review, correct, or annul any article of apprenticeship that may be entered into under this act, if, upon investigation, such court should deem it advisable and just.

§ 12. A misnomer of the corporation in any deed, gift, grant, or devise, or any instrument or contract, shall not vitiate the same, if the corporation shall be sufficiently described therein to ascertain the intention of the parties.

§ 13. This act shall take effect from its passage.

Approved February 28, 1876.

CHAPTER 268.

AN ACT for the benefit of Wells, Mitchell & Co.

WHEREAS, At the adjourned session of this Legislature, held in January, in the year 1873, an act was passed for the benefit of Wells, Mitchell & Co., which originated in the Senate, and which was sent to the Governor for his approval or rejection on the 23d day of April, 1873. The Legislature adjourned *sine die* on the next day. Said act was not returned by the Governor either to that or the succeeding Legislature,

in consequence of which it became a law. Said act remains on file in the office of the Secretary of State; now, to preserve said act as a law,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Secretary of State to cause said act to be published with the acts passed at the present session of the General Assembly in the printed volume thereof.

§ 2. This act shall take effect from and after its passage.

[This act became a law by the failure of the Governor to return it with his objections to the House in which it originated within ten days.]

AN ACT for the benefit of Wells, Mitchell & Co.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the firm of Wells, Mitchell & Co., bankers in the city of Maysville, Kentucky, may deal in the loaning of money, exchange, promissory notes, and other evidences of debt, take personal and other securities for the payment thereof, and dispose of them as may be agreed upon, in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at the banking house of said Wells, Mitchell & Co., or at any other bank or place of business, and inland bills which may be discounted by them, shall be, and they are hereby, put on the same footing as foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against drawer and indorsers.

§ 2. That it shall be the duty of said Wells, Mitchell & Co., on the first day of July each year (except the year 1873), to pay into the Treasury, for the benefit of the revenue proper, fifty cents on each one hundred dollars of capital stock used by said banking firm in their said business, which shall be in full of all tax or bonus on said money capital. Said bank may receive deposits from minors and unmarried women, and the receipts and acquittances of such minors and unmarried women shall be valid.

§ 3. The General Assembly shall have the right to examine into the affairs of said bank by any committee they may ap-

1876. point for that purpose, and to amend, modify, or repeal this act at pleasure.

§ 4. This act shall take effect from its passage.

JAMES B. McCREARY,

Speaker House of Representatives.

JOHN G. CARLISLE,

Speaker of the Senate.

On which bill is written—

This bill was presented to me 23d April, 1873. The Legislature adjourned 24th day of April, 1873, without day. The bill was not approved by me, or returned to House in which it originated, during the remainder of the session of that Legislature, nor was it returned to the next General Assembly.

P. H. LESLIE,

Governor of Kentucky.

COMMONWEALTH OF KENTUCKY,

EXECUTIVE OFFICE,

CITY OF FRANKFORT. }

I, G. W. Craddock, Secretary of State for the State of Kentucky, do certify that the foregoing is a true copy of a bill which passed the General Assembly of the State of Kentucky at its January adjourned session, 1873, entitled "An act for the benefit of Wells, Mitchell & Co.," which bill, now on file in this office, has upon it the indorsements attached and forming part of said copy.

{
L. S.
}
 In witness whereof, I have hereunto set my hand and affixed the seal of my office. Done at the city of Frankfort, 4th day of May, 1874, and in the 82d year of the Commonwealth.

G. W. CRADDOCK,

Secretary of State.

CHAPTER 269.

AN ACT to authorize the city of Covington to erect a bridge over the Ohio river.

WHEREAS, The city council of the city of Covington, by an order in council, passed and approved on the — day of December, 1875, directed a poll to be opened at the regular charter election to be held in said city on the first day of

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January, 1876, and the taking of the sense of the qualified voters thereof upon the proposition to apply for the necessary legislation to enable the city to erect a bridge from thence over the Ohio river to the city of Cincinnati, in the State of Ohio, at a cost not to exceed eight hundred thousand dollars; and, subsequently, at the election so had and held, a large majority of the votes cast, to-wit: more than two to one thereof, were cast in the affirmative of the proposition so submitted; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for and on behalf of the city of Covington, the council thereof, in the mode and in and by the board of trustees hereinafter provided, is hereby invested with full power and capacity, at a cost to the city not to exceed eight hundred thousand dollars and the interest thereon, to construct and erect a bridge over the Ohio river, from any point on the northern boundary of the city west of Madison and east of the west line of Philadelphia streets, to the city of Cincinnati, in the State of Ohio, and to purchase and acquire, or have condemned and appropriated to the use of the city for said purpose, and to possess, have and hold, such land and appurtenances as said trustees may deem necessary and proper for the location and erection of the bridge, its abutments, piers, approaches, avenues, anchor-pits, toll-houses, and other appendages and appurtenances, and to acquire, hold, and possess all the necessary real and personal property and franchises in this State, or in the State of Ohio, by consent of the latter, and to receive, collect and have, in aid of the construction, and for the equipment and use of said bridge, any and all donations of land, money, bonds, and other property.

§ 2. When the trustees aforesaid shall determine to condemn any piece of land and appurtenances for the purposes aforesaid, they shall file a petition therefor with the presiding judge of the Kenton county court, the judge whereof shall have the authority to issue a writ of *ad quod damnum*, and to hear and determine all proceedings thereon; the petition shall contain a description of the land and appurtenances, and a statement for what purpose to be condemned, and the name and residence of the owner or owners thereof, if within the knowledge of the trustees. Upon the filing of the petition, the judge shall issue the writ, directed to the

1876. sheriff of the county of Kenton, commanding him to summon twelve lawful jurors of the Commonwealth to attend before the judge, on a day and at a place named in the writ, within the city limits; and the owner or owners of the land shall have not less than ten days' notice in writing of the time, place, and object of the convening of the jury. If the owner or owners be found in the county of Kenton, the notice shall be by personal service; if not so found, the notice may be served on his or their agent or tenant; if the owner or owners be non-resident of this State, or not found by the sheriff, the service of notice may be by publication, for the space of not less than two weeks next before the trial, in some newspaper of general circulation within the city. The judge shall appoint an attorney at law to protect the interests of any owner or owners not personally served, and not present at the trial in person or by attorney, and shall allow him a reasonable fee for his services, to be taxed in the costs; and the judge shall appoint a guardian *ad litem* for any infant owner or owners. The parties shall have the right of challenge as in civil proceedings, and vacancies in the panel may be filled with bystanders; the judge shall swear the jury well and truly to inquire and assess the value of the land and appurtenances, and the damages to be sustained by the condemnation thereof; the jury shall view the land and appurtenances, and hear such legal testimony as may be offered, and state in writing, signed by them and delivered to the judge, the amount of the assessment, assigning to each owner his portion thereof; and the judge shall, within ten days thereafter, adjudge the land and appurtenances condemned to the use of the city for the purposes of the bridge; and on the amount assessed being paid to the owner or owners entitled thereto, or being deposited to his or their credit, in some good and solvent banking house in the city, the judge shall cause the sheriff forthwith to put the trustees in possession of the land and appurtenances; but if, on the trial, the jury shall, from any cause, disagree, the jurors may be discharged and an adjournment be made to a day certain, when another jury may be empaneled, and further proceedings be had as before, and so on, from time to time, until the successful determination thereof, without further or other process. The judge shall make a complete record of the proceedings before him,

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which record shall have the effect and validity of a good and sufficient deed of general warranty; and when the trustees shall have been put in possession of the land, he shall certify the record to the clerk of the county court, who shall record the same as deeds are required to be recorded, and with the same effect in law and equity: *Provided*, That if either party is not satisfied with the verdict of the jury, the dissatisfied party may have an appeal to the circuit court of the county of Kenton; and in order to take the appeal, the verdict of the jury, with all the papers, must be filed with the clerk of the said court, and bond executed by the party appealing, as in other cases of appeals to said court, and summons must be issued and served as in other cases.

§ 3. Said board of trustees, on or after the time, and on the condition prescribed in the next section hereof, are hereby authorized and empowered to issue and sell at not less than par, in the name and under the corporate seal of the city of Covington, the city bonds, to an amount not exceeding the sum of eight hundred thousand dollars, bearing interest at a rate not to exceed eight per centum per annum; the interest to be paid semi-annually, and the principal in thirty years from and after the date of the bonds, at such place or places as the trustees shall designate. The bonds, which may have coupons or interest warrants attached, and shall be and remain exempt from city taxation, shall be signed by the president of the board of trustees and be attested by the city treasurer, who shall keep a register of the same, the just and full payment whereof is hereby secured by the pledge of the faith and credit of the city, and of a tax which the city council shall levy, collect, and apply as prescribed herein.

§ 4. For the sole and exclusive purpose of paying the interest on said bonds and establishing a sinking fund for the payment of the principal, the city council shall levy and collect an annual tax, on and after the completion of the bridge, of not more than twenty-three cents, and prior thereto of not more than forty-three cents, on the one hundred dollars of valuation of property now or hereafter liable to city taxation; and so much of the bridge tolls as shall be equal to one half of the accruing interest on said bonds shall be by the trustees paid to the city, and be by the latter applied and paid on the interest account of the bonds; the aggregate of which

1876. said tax and tolls, under any and all exigencies, shall be so held and disbursed, and not otherwise: *Provided, however,* That said bonds shall not be issued or sold, and said tax shall not be levied, until the question of levying the same shall have been submitted to the decision of the qualified voters of the city, at an election to be had and held for that purpose; which election shall be ordered, and notice thereof be given, by the city council, at such time and in such mode as the council shall direct; and if a majority of the votes cast at the election so had and held be in favor of said tax, thereupon said bonds shall be issued and sold, and said tax shall be levied, collected, and applied as aforesaid.

§ 5. That the judges of the Kenton circuit and county courts and the mayor of the city shall, any two of them agreeing, nominate and appoint, within not exceeding thirty days from and after the election provided for in section four of this act, five suitable persons, four of whom shall be and remain qualified voters of the city, who are hereby made and constituted a board of trustees, under the name and style of the Trustees of Covington City Bridge, for and on behalf of the city and the council thereof, with full power and authority to make and execute all contracts and agreements within the purview of this act; and they shall so continue in office until said bridge shall have been completed and opened by them for public use, and thereafter for a further period of not exceeding twelve months, and until their successors shall have been duly elected and qualified, unless for cause previously removed, as provided herein; they and their successors shall be the trustees of all real and personal property belonging to or for the use of said bridge, and of the proceeds of said city bonds, and they alone shall have the control and disbursement of the same for the uses and purposes hereof; to this end they shall have power and capacity to sue and be sued, to contract and be contracted with, to appoint, employ, and pay officers, agents, and employes; to acquire, hold, and possess all the necessary real and personal property and franchises in and out of this State, and to do and perform, or cause to be done and performed, all acts and deeds necessary and proper for the location, construction, and maintenance of said bridge and its appurtenances; they shall be severally responsible to the city for all their official acts or omissions; they shall have power to take any sufficient surety deemed

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expedient, other than one of their own number, from any contractor, agent, officer, or employe, selected by them, but the trustees are hereby declared incompetent to become such surety; and they shall not be personally interested, directly or indirectly, in any contract or work concerning said bridge. On or before being installed, the trustees shall appear before the judge of the Kenton circuit court and severally execute bond to the city, with one or more sufficient sureties, to be approved by the judge, conditioned for the faithful performance of the trust; and the bonds so taken shall be deposited with the city treasurer for safe-keeping.

§ 6. If, at any time, said council shall have reasonable cause to believe that any surety or sureties on the bond or bonds of any one or more of said trustees has or have become or are insufficient, or that any one or more of said trustees has or have become unfaithful or incapable, the council may, by resolution, instruct the city attorney, and it shall thereby become his duty to apply, by petition in writing, to the judge of the circuit court, for the removal of such trustee or trustees; and said judge shall have jurisdiction to cause him or them to appear before him, and to examine him or them, under oath, touching the facts, and to hear testimony; and in the case of insufficiency of surety, he shall remove the trustee unless a new and sufficient bond be forthwith executed and delivered as hereinbefore provided; and in case it shall appear in proof to him that any one of said trustees is otherwise an improper person for the trust, the judge shall remove him or them; and in all cases of removal for cause, the judge shall appoint a suitable person or suitable persons in his or their stead; and whenever a vacancy shall occur in said board, from any cause, said judge is empowered and required to fill the same by appointment. And for any criminal act on the part of any one or more of said trustees, such as is defined in sections from one to seven, inclusive, of article twelve of the General Statutes of this Commonwealth, he or they shall be liable to be indicted, convicted, and punished as provided therein.

§ 7. The board of trustees shall have a president and secretary of their own number, to be chosen by a majority of the board, so soon as practicable after the going into effect of this act, who shall hold their respective offices for one year;

1876. and their successors shall be elected on the same day, or within five days thereafter, in each and every ensuing year; the president shall be the acting or officiating trustee, with such power, not inconsistent herewith, as the board may, from time to time, by resolution direct. A majority of the trustees shall be a quorum to do business; and the board shall hold regular meetings at their office in the city for the transaction of the same; they shall keep a record of their proceedings, and a full and accurate account of their receipts and disbursements, and make a report of the same semi-annually to the city council. No money shall be drawn or disbursed but upon the order of said board. Said trustees shall receive a compensation to be proportioned according to their respective services, to be ascertained and allowed by the judge of the Kenton circuit court, and made payable out of the bridge fund. No person holding any office of honor, trust, or profit under the city government shall be eligible to the office of trustee. Within twelve months next after said bridge shall have been completed and opened for the public use, at the end of the official term of said trustees, they shall make and deliver to the city council a final and complete report in detail of all their official acts.

§ 8. At the first general election of said city, on the first Saturday in January next after the end of the official term of said trustees, their successors, who shall thenceforth consist of four persons, shall be elected by the qualified voters of the city of Covington; and the trustees so elected shall be by the council, at its next regular meeting, divided into two classes of two each; trustees of the first class shall go out of office on the expiration of one year from and after the day of their election; and trustees of the second class shall go out of office on the expiration of two years from and after the day of their election, so that one half of the trustees shall be elected annually at the elections so had and held; and when any vacancy shall occur, from any cause, the council shall fill such vacancy by the election of a qualified person to serve until the next general election above designated, when a qualified person shall be elected, as provided, to serve for the unexpired term. Such trustees and their successors in office shall be liable herein as their predecessors; they shall be and remain qualified voters of the city, and before being qualified

1876.

for the trust, they shall severally execute bond, conditioned as before, to be approved and accepted by the council. The bridge shall be officered, controlled and managed, the tolls collected and disbursed, and its preservation secured, and repairs and necessary improvements made by order of the trustees; but when the cost of such repairs or improvements shall, at any one time, be in excess of the sum of three thousand dollars, the work shall be ordered only by and with the advice and consent of council, which advice and consent shall be evidenced by a resolution to that effect, entered upon the record of the proceedings of council.

§ 9. The bridge to be erected in virtue of this act shall be and remain forever absolutely free from toll to all persons who shall be foot-passengers thereon; and said trustees may prescribe, from time to time, and collect such rates of minimum toll for all other uses of the bridge as shall not in the aggregate exceed the sum necessary for the payment of one half of the accruing interest on the bonds provided for herein, and for the proper improvement, repair, preservation and efficient management of the bridge. Toll-gates, offices, or places shall be kept, and toll collected at each end of the bridge; and the schedule or rates of toll shall be kept posted in some conspicuous place where the toll shall be collected; and said trustees shall, at the term of the circuit court for the county of Kenton, held in the city of Covington, next after the first day of January in each and every year, on or before the third day of the term, file with the clerk of the court a true and perfect statement in detail, signed by the president and attested by the secretary, of all tolls collected, the rates and subjects of the same, and the amount of toll from each particular subject, together with all expenses and disbursements, on what account, and when and to whom incurred, made or paid, the amount paid into the city treasury on the interest account of the bonds, the respective salaries of officers and wages of employes, and all other matters and things pertaining to the financial management, care, and preservation of the bridge. And the judge of said court shall have jurisdiction, on petition filed in court by five or more citizens, to inquire of the facts and hear testimony *pro.* and *con.*, as to whether the aggregate of the income of the bridge is in excess of the proper liabilities and expenses thereof, and to summarily decide the issue; and if it shall appear in proof to him that

1876. there is such excess, he shall, by judgment in writing, proceed and scale or reduce the tolls, or any item thereof, so as to conform the income to the liabilities and expenses; and such judgment shall be enforced as in cases of contempt.

§ 10. If any person shall willfully destroy or deface said bridge, or any part thereof, or any sign, notice, card, table of rules or rates, posted or put up, at or on said bridge by the trustees, the council, or any officer or employe of the bridge, such person shall be liable therefor to the city, in a civil proceeding, to triple damages, and, in addition thereto, be liable to be fined not less than ten nor more than fifty dollars (as for a misdemeanor), before the mayor, the county judge, or any justice of the peace within the city, and shall be liable to be imprisoned until the fine shall have been paid; and if any person, when in the act of crossing upon said bridge, shall, with intent to defraud the city, fail or refuse to pay the toll demanded and collectable in virtue of this act, or shall attempt to evade the payment thereof, he shall be liable to be so fined from five to ten dollars, and to be so imprisoned.

§ 11. The city council is hereby invested with full power and authority to make and enforce any rules or regulations not inconsistent with the terms of this act, of the city charter, of the laws of this State or of the United States, which shall be deemed necessary or requisite to preserve and protect the bridge, its appurtenances and appendages, together with the lawful tolls thereof; and the trustees, the city council, or any officer or employe of the bridge, may prevent any person from riding or driving any animal, team, vehicle, or stock thereon, who shall have failed, upon demand made, to pay the lawful toll; and the officers, police, or watchmen of said bridge are respectively invested with the power and authority of policemen of the city, and they may arrest at or upon said bridge, with or without warrant, any violator of the law or of the rules and regulations of said bridge, and take such person before the proper legal authorities to be dealt with according to law. And if any person shall ride or drive any animal or team, or willfully drive any stock across or upon said bridge at a gait faster than a walk, such person shall, upon conviction before the mayor of the city, the county judge, or a justice of the peace, be fined in any sum not less than five nor more than ten dollars.

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§ 12. After said trustees shall have been appointed and qualified, the city council shall advance to the trustees, out of any money in the city treasury not otherwise appropriated, such sum or sums as the trustees may require, not exceeding five thousand dollars, to enable them to carry into effect the object of this act, and such sum or sums shall be repaid into the city treasury by said trustees, out of the trust fund arising from the sale of said bonds.

§ 13. The right of way for street railway tracks and street cars in, upon, and over the streets, avenues, passways, or other public grounds of the city, leading to or connecting with the approaches of said bridge, for a distance of not exceeding four hundred feet to and from the same, is hereby vested in said trustees for the uses and purposes hereof; and they are empowered to contract and be contracted with, &c., &c., as provided in other respect herein, for the privilege or grant of the use thereof, with any person or persons, corporation or corporations; but the terms imposed shall be equal and uniform to all for like uses, and exclusive privileges shall be granted to none.

§ 14. And said bridge and appurtenances, together with all its franchises, issues, and tolls, shall be and remain forever exempt from State, county, and city tax.

§ 15. That nothing herein contained shall be so construed as to authorize the erection of a bridge which may conflict with any act of Congress relating to the free and common navigation of the Ohio river.

Approved February 29, 1876.

CHAPTER 270.

AN ACT to increase the number of and fix the time and place of holding the county courts in Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Warren county shall be held in the court-house, in the city of Bowling Green, in Warren county, on the fourth Monday of each and every month.

§ 2. This act shall be in force and effect from and after its passage.

Approved February 29, 1876.

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CHAPTER 271.

AN ACT for the benefit of M. J. Miller, committee for Lucinda Mullins,
a pauper idiot of Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer for thirty-seven dollars and fifty cents, in favor of M. J. Miller, committee of Lucinda Mullins, a pauper idiot of Rockcastle county, from the 12th day of April, 1875, to the 12th day of October, 1875. .

§ 2. This act shall be in force from its passage.

Approved February 29, 1876.

CHAPTER 272.

AN ACT for the benefit of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County judge
not to pay a
greater interest
than 6 per cent.
on outstanding
bonds, unless
greater amount
specified.

Any order here-
after made to pay
exceeding six per
cent. not legal.

§ 1. That hereafter the judge of the Lewis county court shall not cause to be paid, as interest on any of the outstanding bonds of said county, a greater interest than at the rate of six per centum per annum, unless a greater amount of interest is specified in such bonds; and any order that may hereafter be made by the county court of said county ordering a greater amount of interest than six per cent. to be paid on any outstanding bond or bonds of said county, shall not be legal or binding; and the sheriff of the county, or such other officer as may be ordered to pay a greater amount of interest than is herein specified, shall not, if he pay such order, be allowed any credit therefor in his settlement with the county.

Order to specify
rate of interest
and number and
size of bond.

§ 2. All orders hereafter given for the payment of interest on any outstanding bond of said county shall specify the rate of interest allowed, and the number and size of bond on which such interest is allowed.

Assessment of
30 cents on \$100
of taxable prop-
erty, to be used
for paying off
bonds and inter-
est.]

§ 3. The tax that may be assessed and collected hereafter under the law providing for an assessment of thirty cents on each one hundred dollars' worth of taxable property in Lewis county, for the purpose of paying off the bonds issued in aid of the several turnpike roads, shall not be used for any other

purpose than in paying off said bonds, and the interest that has accrued or may accrue thereon.

1876.

§ 4. That no levy greater than five cents on each hundred dollars' worth of taxable property in said county shall hereafter be levied by the court of claims in said county for the purpose of building bridges, except it be done by a unanimous vote of said court, and in no case shall a greater tax than ten cents on each one hundred dollars be levied for such purposes; and the tax so levied, or any part thereof, shall not be used for any other purpose than that for which it was levied, and no money shall be drawn from said fund except by order of the county court, and the county court is hereby forbidden from giving any order to draw money from said fund except for work done on bridges in said county.

No levy greater than five cents on \$100 to be levied for building bridges.

Except by unanimous vote, and in no case to exceed ten cents on \$100.

§ 5. That all claims hereafter allowed at the court of claims for said county, or by the county judge, shall be paid out of the county levy unless otherwise provided for by law.

(Claims hereafter allowed to be paid out of county levy.

§ 6. That hereafter the county levy shall be due and payable by the sheriff of said county on the 31st of December in each year, and all other county taxes shall be due from him as follows: One half on the 31st day of December, and the residue on the 1st day of April following the time at which such taxes was placed in such sheriff's hands for collection; and this shall apply to the taxes for the year 1875.

County levy due on 31st December of each year.

All other county taxes due; or e half 31st December, and residue on 1st April.

§ 7. The county judge shall cause to be made, by the first day of June in each year, a statement showing the amounts that have been assessed and collected for the preceding year, and how the same has been appropriated, which statement he shall cause to be published in the county paper published in said county, and in case there is no paper published in said county, it shall be his duty to have the same published in handbill form and distributed throughout the county, and a reasonable compensation shall be allowed for said publication, to be paid out of the county levy.

Statement of amount assessed and collected for preceding year to be made by 1st June in each year, and how appropriated.

Statement to be published.

§ 8. This act shall take effect from and after its passage.

Approved February 29, 1876.

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CHAPTER 273.

AN ACT to reduce into one and amend and digest the acts and amendatory acts incorporating the city of Augusta, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary. § 1. That so much of the county of Bracken as is now embraced within the boundaries of the city of Augusta, and also such other portions or parts of said county as the owner or owners thereof may desire, and the persons residing within the said boundaries, are created a body-corporate and politic, with perpetual succession, by the name and style of the "City of Augusta;" and by that name shall sue and be sued in all courts at law or in equity; may contract and be contracted with; may purchase and hold such lands and tenements and personal property as may be necessary for the use of said corporation, and may sell and convey the same; and may have and use a corporate seal, and change, alter, and amend the same at pleasure.

Name and style.

Mayor and councilmen. § 2. That the fiscal, prudential, and municipal concerns and affairs of said city, with the government and control thereof, shall be vested in one principal officer, to be styled the "Mayor," and one city council, consisting of eight persons, to be denominated the "Board of Councilmen," who shall be elected for the first time on the second Saturday in April, 1876. The mayor then elected shall hold his office for the term of two years, and until his successor shall be duly elected and qualified. The councilmen then elected shall hold their office for the term of one year, and until their successors are elected and duly qualified.

When first elected.

Term of office.

Election. § 3. That on the first Saturday in April in each year succeeding the first election there shall be elected eight councilmen, who shall hold their office for the term of one year, and until their successors are duly elected and qualified, and the mayor shall be elected every two years.

Who eligible as mayor and councilmen. § 4. That no one shall be eligible to the office of mayor or councilmen unless they are citizens of this State, and have resided in said city for two years next preceding the election at which they are voted for, and over twenty-one years of age.

Electors—their qualification. § 5. That all male inhabitants over twenty-one years of age, who, at the time, have *bona fide* resided in said city for

six calendar months previous to the election, shall be qualified voters therein.

1876.

§ 6. That it shall be the duty of the mayor and councilmen, thirty days previous to each annual election, to appoint three suitable persons as inspectors of the election, whose duty it shall be to hold the election for officers of said city, at such time and place, and in such manner, as shall be directed by the mayor and councilmen. Notice of the time and place of said election, together with the name of the inspectors, shall be given by the clerk of the board of councilmen for thirty days previous to the holding thereof. The said inspectors, being first duly sworn, shall receive and record the names of all persons voting, together with the names of the persons voted for by them for the different offices, and return the same, together with their certificate, securely sealed up, immediately after the election, to the clerk of the board of councilmen, who shall keep the same until opened by the board as hereinafter provided for.

Elections—how held.

Inspectors—their duty.

§ 7. The mayor and councilmen shall meet on the first Tuesday succeeding the election, and open the poll-book and count the votes cast, and those receiving the highest number of votes for mayor, councilmen, or any other office voted for, shall be declared elected, and the clerk shall, under the order of the board, issue a certificate thereof to the councilmen or other officers elected, except mayor. The name of the person receiving the highest number of votes cast for mayor shall be certified by the clerk, under the order of the board, to the Governor of the State, who shall cause a commission to be issued to him as "mayor of the city of Augusta." The mayor and councilmen so elected shall enter upon the duties of their respective offices as soon after the election as they are duly qualified; and before entering upon their duties shall each be sworn, by some one authorized to administer oaths, as now required by law of other officers. Should there be a tie between those who are voted for as mayor or councilmen, or any other officer elected by the people, the board of councilmen shall determine by lot who shall hold the office.

Poll-books—how and when examined.

Mayor—how commissioned.

Mayor and councilmen—when term of office commences.

§ 8. That there shall also be elected, at the same time that councilmen are, a city clerk and a city attorney, who shall hold their office as follows: The city clerk and city attorney for one year, and until their successors are duly elected and

City marshal, city clerk, and city attorney to be elected, &c.

1876.

Take oath and
execute bond.

qualified, and who shall have the same qualifications in respect to eligibility as councilmen, and who shall, before entering upon the duties of their office, take the same oath required of councilmen, and execute such bonds as may be required of them by the mayor and councilmen for the due and faithful performance of their duties: *Provided*, That the city attorney shall be a licensed lawyer, and a resident of the city for one year before the election.

Mayor to be a
member of the
board, and pre-
side at meetings.

Their powers
and duties.

Appoint col-
lector, assessor,
and other officers

Watchmen.

Taxes.

§ 9. That the mayor and councilmen thus chosen and qualified shall form one board; and at all meetings the mayor, if present, shall preside, and give the casting vote in case of a tie; and in his absence the board shall elect one of their number chairman *pro tem*. The said board shall have and possess all the rights, interests, powers, and authority heretofore vested in the trustees of the town of Augusta, or mayor and councilmen of the city of Augusta, either by the general laws of the Commonwealth or special laws now in force in reference to the city of Augusta, with power and authority to adopt all by-laws and ordinances now in force in said city, to repeal, alter, and amend the same; and full power and authority to pass by-laws and ordinances, with adequate penalties, as they shall deem expedient for the good government of said city, not contrary to the Constitution of this State or the laws thereof. They shall have power and authority to appoint a collector, assessor, and such other officers as may be necessary for carrying on the government of the city; to appoint and employ watchmen, who shall be conservators of the peace, and vested with power to apprehend all felons, gamblers, rioters, disturbers of the peace, vagrants, persons of evil fame, and persons of disorderly conduct, and take them before the mayor, to be dealt with according to law. They shall have the right to tax, in any sum not less than one hundred dollars nor more than five hundred dollars, and the exclusive right to license, a majority of all the councilmen elect concurring therein, hotels, taverns, and coffee-houses, with the privilege of retailing ardent spirits, vinous and malt liquors, when, by law, the persons applying are entitled thereto, and have complied with the State law by the payment of the license. They shall have the right to tax stores, grocers, victualers, confectioners, retailers, exchange or brokers' offices; also to tax, license, and regulate all carts, wagons,

drays, and hacks, which may be plying in said city for hire; also to levy a tax, not exceeding two dollars, on each dog owned or kept within the city limits. They shall have the right, by ordinance, with adequate penalties, to prohibit hogs and other animals from running at large in the streets or alleys; and to require and enforce the abatement and removal of all nuisance within the city limits; and they shall have full power and authority to pass any and all ordinances, five councilmen, or four councilmen and the mayor, concurring, that they may deem right and proper, not inconsistent with the Constitution of the State or the laws thereof, for the government, health, and prosperity of said city, and enforce the same by suitable penalties.

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Prevent hogs, &c., from running at large.

§ 10. The board of councilmen shall have the power and authority, a majority of all elected concurring, to assess, levy, and collect taxes on the value of all estates, real, personal, and mixed, and choses in action, held, owned, possessed, or employed in said city. Such tax shall be uniform and equal, not to exceed seventy-five cents on each one hundred dollars of valuation in each year. Said board shall also levy and collect a poll-tax not exceeding two dollars on each male inhabitant of said city over twenty-one years.

Power to levy tax, &c.

§ 11. The mayor shall have exclusive original jurisdiction of all violations of the city ordinances; and in all cases, civil, criminal, and penal, jurisdiction equal and co-extensive with justices of the peace in the Augusta precinct, in Bracken county: *Provided*, When sitting as an examining court, he shall have the jurisdiction of two justices; and for the purpose of trying said causes, his court shall be always open, provided that, in civil causes, the summons shall be executed five days before trial. He shall be a conservator of the peace, and shall issue all his warrants in the name of the Commonwealth of Kentucky, except those for violation of the city ordinances, which shall run in the name of the "City of Augusta." He shall have the same power to issue summons, warrants, subpœna, attachments, compulsory process, that justices have, or may by law have, and punish for disobedience thereof in same manner. He shall have power to impose fines in all cases of misdemeanor to the amount of twenty dollars, without the intervention of a jury, and to hear and preside at the trial of all cases of misdemeanor before a jury, when by the law of the State the fine is limited to one hundred

Mayor—his jurisdiction, powers, &c.

1876.

red dollars, or fifty days' imprisonment, either or both; and shall have the authority to commit any person fined before him to the city jail, if one is provided, or to the jail of Bracken county, until the said fine and cost is paid or replevied, said confinement not to exceed one day for each two dollars of said fine; and execution may issue for said fine and cost after said confinement; that upon all judgments rendered by said mayor either party shall have the right to appeal in the same manner that appeals may be taken from judgments of justices' court; that the mayor, in proceedings for violations of city ordinances, shall be entitled to the following fees: summons, 50 cents; judgment, 50 cents; execution or capias, 50 cents; and for all other services, the same fees as may be allowed to justices of the peace for similar services.

Fees.

§ 12. The marshal shall have the same jurisdiction as a constable in the Augusta precinct, and he shall attend all meetings of the city council, and all sessions of the mayor's court; he shall have the authority to execute any process emanating from the mayor's court, or from a justice of the peace; he may be appointed collector of tax, and shall be entitled to receive the same fees and commission for collecting the same as is allowed sheriffs in collecting the county revenue; he shall execute a bond, payable to the Commonwealth of Kentucky, before, and to be approved by, the board of councilmen, conditioned as sheriff's bonds, and he and his securities shall be liable on such bond by suit or motion to judgment in any court having jurisdiction of the amount claimed, in all cases of delinquency or breach of official duty, in like manner as constables are for similar delinquencies and breaches of official duties; he shall have authority, within the Augusta precinct, to serve all process or precepts to him directed from the mayor of Augusta, or any justice of the peace or county judge of Bracken county, and shall levy and perfect all executions upon all orders and judgments to him directed. For his services he shall be entitled to the same fees and commissions as are by law allowed constables for similar services.

Bond.

Fees.

§ 13. That it shall be the duty of the clerk to attend all meetings of the board; to preserve the books, papers, and records belonging to his office; to keep a regular journal of the proceedings of the board, and a correct account of the fiscal concerns thereof; he shall record all acts, resolutions,

Clerk—his duties.

1876.

orders, and ordinances of said board; he shall take and attest all bonds and agreements between said board and other persons; he shall furnish attested copies of all acts, resolutions, orders, or ordinances passed by the board, when required to do so by order of the board, or to persons entitled thereto; he shall draw his order on the treasurer for all sums allowed by the board; he shall receive the assessor's list, and return it to the board, with the assessment of the tax therein; he shall make out a copy of the same, and hand the same over to the collector, with the order of the board fixing the rate of assessment and approving the same, and take his receipt therefor; he shall give bond in adequate penalties, payable to the city of Augusta, for the faithful discharge of his duties; he shall receive, for attending each meeting of the board, one dollar, and for all other services the same fees as are allowed clerks of the circuit and county courts for similar services; he shall issue all license to any one entitled thereto, under the seal of the city, upon the producing the treasurer's receipt for the amount of the tax thereon.

Clerk's fees.

§ 14. That it shall be the duty of the city attorney to attend and prosecute all cases, before the mayor or any justice of the peace, for any violation of the city ordinances, or of any criminal or penal law of the State, in which the city has an interest, and to attend to all other legal business of said city as he may be directed by the board; and for his services shall receive twenty-five per cent. of all fines and forfeitures in which said city has an interest, payable when said fines are paid: *Provided*, He shall not be entitled to any part of said fine unless he is present in person at the time of trial.

City attorney
—his duties, &c.

§ 15. That all fines imposed for breach of city ordinances, or for misdemeanor, or for a violation of any penal law, when the offense was within the city limits, shall inure to the benefit of the said city, whether recovered before the mayor, a justice of the peace, or any other court in Bracken county having jurisdiction to try the same; and the said fines shall, when collected, be paid over to the treasurer of the city.

Fines for benefit of the city.

§ 16. That it shall be the duty of the board, annually, at their first meeting, to appoint an assessor, who shall immediately proceed to take a list of all the taxable inhabitants and owners of property in said city, together with the real estate owned by each, and the value thereof, on the tenth day of April preceding; also a just and true list and valuation and complete

Assessor—his duties.

1876.

statement of all such other estate of each of said inhabitants, whether in goods, stock, moneys, or other property, used, held, possessed, or employed by him or them in said city on the said tenth day of April, which said list shall be made on the oath of the party taxable; if the party refuse to give in a list, and swear to the same, the list shall be made from the best information the assessor has, which list shall be returned to the clerk by the 1st of May thereafter; and if any one should feel aggrieved thereby in excess of valuation or otherwise, application may be made in ten days to the board, and, on proof being made to their satisfaction, the list may be corrected. A list of said taxes shall be placed by the clerk in the hands of said collector, with a warrant of authority from the board to collect the same by the 15th of May, which said list the collector shall give the clerk his receipt for.

Tax—how col-
lected.

§ 17. The collector shall, immediately after the 15th May, proceed to collect said tax, and shall have the same power and authority as to distraining, advertising, and selling property as is now granted by law to sheriffs in the collection of the State revenue; and the like liens shall exist, and the same damages attach, for failing to pay the said tax due the city as in the collection of the State revenue: *Provided*, That any damages that may be assessed for said failure to pay, and the right to distrain, advertise, and sell, shall exist from and after the 1st of September in each year. Bond and good security shall be required of said collector, payable to the board of councilmen of the city of Augusta, for the faithful discharge of his duties; and for any failure or violation thereof said collector may be removed by the board, and he and his securities shall be liable to judgment on said bond, by motion or suit in any court in Bracken county having jurisdiction of the amount, for any failure in the discharge of said collector's duties or breach of said bond. Said collector shall settle his accounts, from time to time, as he may be required by the board, and pay over the amounts in his hands to the treasurer.

Treasurer—his
duties.

§ 18. The treasurer shall collect and receive all moneys belonging to the city, and give his receipt for the same, and pay out the same only on the order of the board, certified by the clerk. Said treasurer shall execute bond, with approved security, payable to the city of Augusta, for the faithful dis-

charge of his duties, and like remedies are hereby given against him and his securities for any breach of said bond, as in the case of the collector of tax. It shall be the duty of said treasurer to lay before the board a full and complete statement of all money received and paid out by him, whenever said board may require him so to do. 1876.

§ 19. The board of councilmen, a majority of all elected Sidewalks. concurring therein, shall have full power and authority to cause all sidewalks, or any part or portion thereof in said city, to be graded, curbed, and paved with stone or brick, and when so done to be kept in good repair, and to assess the cost thereof against the owner or owners of the lot or part of lot fronting on said improvement; and to secure the payment of the said cost and expense a lien is hereby given on said lot or part of lot. Said cost and expense may be listed as tax with the collector, and by him collected as other taxes, who shall have power to sell and convey the same upon the order of the board: *Provided*, That the same right to redeem shall exist as in the sale of real estate sold by sheriff for tax: *Provided further*, That the owner or owners of said lot or part of lot shall have the right to have said improvement done within such time as may be fixed by the board.

§ 20. The board of councilmen may open new streets and alleys within the city limits, by consent of the owners of the land, and agree with them for the compensation therefor; and when they deem it proper to have a new street or alley opened, and the consent of the owners of the land cannot be obtained, they may petition the county court of Bracken county, stating the street or alley they wish opened or extended, the names of the owner or owners, if known, of the land through which they desire to have such street or alley opened or extended, and the width thereof, and the course and distance, and upon the filing of which said court shall order a summons to issue for such owners to appear at its next term to show cause why such street or alley shall not be opened or extended, which summons shall be executed on the owners, if in the county, if not, on his agent, if one is known; and if they, or any of them, are non-residents, then an order of warning shall be made by said court, for thirty days, against said non-resident. Upon the return of said summons executed, and after the expiration of thirty days, Streets and alleys—how opened

1876. after the order of warning is made, if no one appears, the court shall order the street or alley to be opened or extended; and if one or more of such persons shall appear, they shall have a right to claim a writ of *ad quod damnum*, which shall be executed as writs of that nature for opening public roads; and upon the return of said writ the court shall order the board of councilmen, if they so desire, to pay the damages assessed, if any, and the cost; and upon the paying of the same into court, or to the persons entitled thereto, the court shall order the street or alley to be opened or extended, and enforce the same by fine and imprisonment, if any one resists or refuses to comply with said order.

Regular meet-
ing of board.
Board of health.

Fire department,
&c.

City watch.

Nuisance.

Markets.

§ 21. The regular meeting of the board of councilmen shall be on the second Friday in each month; and said board shall have the power and authority to establish a board of health, and invest it with such powers, impose upon it such duties, and prescribe for it such regulations, as will best secure the city from contagious diseases; and make all other provisions and do all other things necessary to preserve the public health; to provide for the maintenance of the paupers of the city; to procure fire engines, hose, and other fire apparatus; establish and organize fire companies, and make all proper regulations for their government; to regulate the sweeping and burning out of chimneys and building of flues; and by ordinance to require the repairing of defective chimneys, flues, and pipes; to regulate the storage and sale of gunpowder, coal oil, and other combustible and dangerous articles, and to take all other usual and proper measures for preventing or extinguishing fires; to sink wells and cisterns, and supply the city with wholesome water; to provide for the lighting the streets of the city; to establish a city watch, with power in said watchmen to arrest all persons found within the city violating any of the city ordinances or criminal or penal laws of the State, and to take them before the mayor or some justice of the peace for examination or trial; to purchase, hold, and regulate burying-grounds; to abate and prevent the erection of all nuisances; to define and declare what shall be a nuisance; and to prevent by fine the exercise of all noxious or offensive trade within the city; to establish markets and market places, and regulate the buying and selling of articles usually sold in markets; to

appoint measurers, weighers, guagers, and inspectors for ascertaining the quality and quantity of flour, meal, beef, pork, and other articles of provisions, coal, wood, lumber, hay, and other articles for markets, and the accuracy of weights and measures and mechanic's work, and fix the fees of such officers; to regulate auctions, and fix the tax thereon; and tax all shows, menageries, or concerts; and pass all ordinances necessary to preserve good order and the public peace, by preventing intoxication, immorality, lewdness, idleness, vagrancy, quarreling, fighting, rioting, and all disorderly conduct within the city, and punish those guilty; and to pass all ordinances and regulations necessary and proper to carry the foregoing, and all other powers granted by this act, into full force, and to enforce the same by proper penalties. They shall have authority to establish a work-house, house of correction, and city jail, where all persons convicted of a violation of city ordinances, or any criminal and penal law, shall be confined until said fines and cost are paid or replevied, said confinement not to exceed one day for each two dollars of said fine; and to require such persons so confined to work upon any public work in or out of the work-house, as may be directed by the board, at the rate of one day of ten hours for each dollar of the fine and cost; which labor, when so performed, shall be in satisfaction of the fine and cost. Said work-house, jail, and house of correction shall be under the charge of the marshal, and he shall superintend the same, and see that the work is properly performed as directed in the judgment. They shall have the authority to borrow money, interest not to exceed eight per cent. per annum, and issue bonds of the city for the same, signed by the mayor and attested by the clerk: *Provided*, That at no one time shall the bonded debt of the city exceed fifteen thousand dollars. They shall have the authority to allow the mayor an annual salary for his services, payable out of the city treasury, and fix the fees and salaries of all other officers of the city not herein otherwise provided for. They shall have the power to remit any part of fine for a breach of city ordinance, fees and cost excepted.

1876.

Inspectors of coal, &c.

Auctions.

Preserve the public peace.

Jail, work-house, &c.

Borrow money, &c.

Mayor's salary.

§ 22. The board may appoint a deputy marshal for any period of time not exceeding the term for which the marshal

Deputy marshal

1876.

has to serve, who shall be empowered to perform the same duties and receive like fees as the marshal.

Commissioners
of the sinking
fund—their du-
ties, &c.

§ 23. That the board of councilmen shall, at their first meeting after the election, select by ballot three tax-payers of said city, who, together with the mayor at the time, shall constitute a "Board of Commissioners of the Sinking Fund" for said city, and twenty cents on each hundred dollars of taxable property in said city, when the same is collected, shall be paid by the collector to the treasurer of said fund; and the said fund arising therefrom shall be set apart and sacredly pledged to the payment of the interest and principal of the city debt. The said commissioners shall require the collector to pay to their treasurer the said fund, as collected by him, on the 1st day of each month; and they shall, out of said fund, first pay the interest on all bonds or indebtedness of the city when due, and the balance remaining of said fund shall be applied by them in payment of the principal of the debt of the city; that any balance remaining in the city treasury at the end of the fiscal year shall be set apart and be paid over to the treasurer of the sinking fund, and shall constitute a part of the fund, in the hands of said commissioners, for the payment of the debt of the city. The mayor shall, *ex officio*, be chairman of the board of commissioners, and they shall elect their own clerk and treasurer, requiring bond of the treasurer for the faithful discharge of his duties; and they shall report to the board of councilmen at the end of their term.

Vacancy—how
filled.

§ 24. The board of councilmen shall have the authority to temporarily fill any vacancies that may occur in any of the offices election by the citizens of the city, and shall order an election to take place within twenty days to fill such vacancy: *Provided*, That if such vacancy occurs within sixty days of a regular election, the board shall fill said vacancy until that time.

Wharfage.

§ 25. The board of councilmen shall have the authority to fix the rates of wharfage of all boats and water-crafts on the Ohio river, landing at or using the landing within the corporate limits, and collect the same, and may pass ordinances, with adequate penalties, to enforce the same; they may also appoint a wharfmaster, and prescribe his duties.

§ 26. The board of councilmen shall have the power and authority to pass all ordinances necessary for the improvement, repair, and cleaning of the streets and alleys, and for the improvement, repair, and protection of the grade and banks in front of said city, on the Ohio river, within the city limits; and shall appoint such officers, and prescribe their duties, as will be necessary to carry out and into effect the provisions of this section.

1876.

Streets—cleaning and repairing

§ 27. That all by-laws and ordinances passed by the board of councilmen of the city of Augusta, before the passage of this act, shall remain in full force until altered, amended, or repealed.

By-laws and ordinances in force.

§ 28. That all acts and amendatory acts incorporating the city of Augusta, as are inconsistent with this act, are hereby repealed.

Repealing clause.

§ 29. That in all contested elections of the officers elected by the vote of the citizens, the contestant shall give at least ten days' notice, in writing, to the opposite party of his intention to contest his right to the office, and the grounds therefor, and no other shall be considered; and, upon filing said notice with the board, they shall appoint, by lot, three of their number, who, being first duly sworn, shall hear and determine the matter, and report their action to the board. The testimony shall be oral, and reduced to writing by the board trying the same, and returned by them with their report. In hearing and determining the same, they shall be governed by the rules governing as in the case of contesting county officers, so far as the same is applicable.

§ 30. There shall be elected by the qualified voters of said city a marshal, on the first Monday in August, 1876, and every two years thereafter, who shall hold his office for two years and until his successor is duly elected and qualified; he shall take the same oath, and execute such bond, as may be required by the mayor and councilmen.

§ 31. This act shall take effect from its passage.

Approved February 29, 1876.

1876.

CHAPTER 274.

AN ACT to incorporate the "Salem Gemeinde," of Newport, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That. William H. Wiebe, Henry Wendt, Frederick Wendt, Geo. A. A. Voige, William Brinkman, John Hetsch, Adam Lepper, Martin Matting, and Chas. Wendt. their associates and successors, are hereby created a body-corporate and politic, by the name and style of "Salem Gemeinde;" and by that name shall have power to sue and be sued; to make contracts; to acquire, hold, and transfer both real and personal property; and shall have the same authority in such respects as private individuals enjoy, and generally to do and perform all things relative to the objects of said institution.

Corporators.

Body-politic and corporate.

May hold and transfer both real & personal property.

Property acquired to be managed by a board of trustees.

Trustees may elect president & secretary.

Who shall sign all obligations.

May receive grants, gifts, and devises.

In case of dissolution, in whom property shall vest.

§ 2. The property acquired by said corporation shall be managed by a board of trustees, consisting of such number, and to be elected in such manner, as is or may be provided by the discipline of the Methodist Episcopal Church of the United States of America (the "Salem Gemeinde" being the German society in Newport of said church).

§ 3. The trustees of said corporation shall, at the first meeting after their election, choose a president and secretary from amongst themselves, who shall sign all obligations of said corporation, and make deeds of conveyance and mortgages without the intervention of any court, after being thereto duly authorized by the board of trustees, by order entered on their journal.

§ 4. It shall be lawful for said corporation to receive grants, gifts, and devises for the purpose of purchasing property, erecting parsonages and houses of public worship, and to defray the expenses of said congregation and church.

§ 5. In case of the dissolution of said society, the property owned by it shall go to, and vest in, the Methodist Episcopal Church of the United States of America.

Approved February 29, 1876.

CHAPTER 275.

1876.

AN ACT to increase the jurisdiction of the police judge of Moscow, Hickman county, in civil cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of the town of Moscow, Hickman county, shall have concurrent jurisdiction in all civil causes or actions when the amount in controversy, exclusive of interest and costs, does not exceed one hundred dollars, with the justices of the peace and quarterly judge of said county.

Police judge shall have concurrent jurisdiction with justices of the peace.

§ 2. The pleadings in said court shall be oral; but a written statement of the matter in controversy must be filed before warrants issue.

Pleadings oral.

§ 3. It shall be the duty of said police judge to collect a tax of fifty cents in each action, where the amount in controversy exceeds fifty dollars, and pay the same over to the trustee of the jury fund of said county.

Tax of 50 cents.

§ 4. This act to take effect and be in force from and after its passage.

Approved February 29, 1876.

CHAPTER 276.

AN ACT to authorize the trustees of the Methodist Episcopal Church, South, in Brandenburg, Meade county, to sell and convey certain church property for the benefit of said church.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alonzo Morman and D. C. Pusey, trustees of the Methodist Episcopal Church, South, in Brandenburg, Meade county, be, and they are hereby, authorized and vested with full power, by virtue of this act, to contract, sell, and convey, by deed, a part of the lot or parcel of land belonging to and owned by said church: *Provided*, Said trustees shall not sell more than one acre of said land: *And provided further*, That the proceeds of said sale, if made, shall be applied to the improvement of the residue of said church ground and house of worship.

1876. § 2. That said sale may be made publicly or privately, as may be deemed best by said trustees.

§ 3. This act to take effect from its passage.

Approved February 29, 1876.

CHAPTER 277.

AN ACT to amend and reduce into one act the several acts relating to roads in Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Union county be, and he is hereby, authorized and required to cause a poll to be opened, at the several voting places in said county, at the election to be held for justices of the peace, on the first Saturday in May, 1879, and at every succeeding regular election for justices of the peace, for the purpose of electing a superintendent of roads and bridges for said county, whose duties shall be as hereinafter set forth.

§ 2. The superintendent shall, at the next regular term of the Union county court after his election, execute bond to the Commonwealth, with sureties, to be approved by the court, in double the amount of the bridge and road funds, for the faithful discharge of his duties; and he shall, at the same time, take an oath faithfully to discharge the duties of his office. The taking of said oath, the execution of the bond, and the approval of the sureties therein, shall be noted on the order-book of the court. The bond shall be recorded in the order-book of the court, and the original carefully preserved on file in the office of the clerk. Copies of the original bond, or of the bond recorded in the order-book, shall be competent as evidence in any civil suit or proceeding, and in any prosecution or proceeding against the said superintendent and his sureties, or either of them, growing out of the breach of his said covenant. The said county court, or any person aggrieved, may, from time to time, institute suit against such superintendent and his sureties on said bond (or against his or their personal representatives), in any court of competent jurisdiction, for any loss or damage sustained by the acts or omissions of the superintendent.

Who may institute suit against superintendent.

Bond—when discharged.

The said bond shall not be void or discharged upon the first,

or any other recovery, nor until all persons aggrieved shall be satisfied.

1876.

§ 3. It shall be the duty of the superintendent to oversee all public roads within Union county; to let out and superintend the building and repairing of all bridges and culverts on said roads; to keep said roads clear of obstructions, and at all times in good order for traveling and hauling; and to superintend the opening and changing of roads when and in the manner directed by the county court: *Provided*, That, for the purposes enumerated, the fund provided for in this act, and which may be otherwise raised by the levy court, shall be sufficient; and if not sufficient, then it is to be used at such places and for such purposes as the superintendent, under the general directions of the said court, may deem proper; that the court, in giving directions for such expenditure, shall have due regard to the public good, and to the wants of the different portions of the county. The court shall prescribe a period in each year within which the levying and grading of roads shall be done: *Provided*, Said period shall not extend beyond the first day of July in any year. It shall be the further duty of the superintendent at all times to report, in writing, to the presiding judge of the Union county court, the failure of any contractor to comply with his contract of levying and otherwise working the roads, and keeping them in good order, or of building or repairing bridges or culverts; and upon this report being filed, or on his own knowledge, or upon information on oath of any citizen, the judge shall issue from, and make returnable to, his quarterly court, a warrant in the name of the Commonwealth against the delinquent party; and, when executed, proceed to try the same as in other cases of Commonwealth warranty. It shall further be the duty of the superintendent, if directed so to do by the county judge, to hire hands, and have any designated roads, or parts of roads, worked and kept in order; or if so directed, to let out the leveeing or other working of roads, and the building and repairing of bridges and culverts, to the lowest and best bidder; and he shall take from each of the successful bidders a bond to the Commonwealth, with good surety, to be approved by him, in at least double the amount of the value of the work so let out, conditioned for the faithful performance of the work

Duties of superintendent.

1876.

within the prescribed time; and he shall return all said bonds to the county court at its next regular term after the letting, which fact shall be noted of record, and the bonds kept on file by the clerk of the court in his office in bundles marked or labeled "Contractors' Bonds." Certified copies of said bonds shall be competent as evidence. That for any violation of or failure, without good cause, to discharge any duties prescribed by this act, the superintendent shall be deemed guilty of a misdemeanor, and shall be fined therefor not less than ten nor more than one hundred dollars, to be recovered by warrant in the name of the Commonwealth of Kentucky, to be issued by, and returnable to, the quarterly court of Union county; and it shall be the duty of the judge of said court to issue each warrant upon his own knowledge, or upon information of another upon oath. In the trial of said warrant, the said superintendent shall be entitled to a trial by a jury if demanded, to be conducted as other jury trials before quarterly courts, and the fines assessed are to be collected as other fines; and both parties shall be entitled to an appeal to the circuit court.

Superintendent
may purchase
work animals,
&c.

§ 4. That the superintendent shall, upon the order of the county court judge entered of record, purchase work animals not to exceed eight hundred dollars in value, and such tools and implements as may be suitable and necessary to perform the work which he is required to have done; and such tools, implements, and work animals shall belong to the county, and be under the control of said superintendent; but the judge of the county court may, at any time, direct, in his discretion, the safe-keeping, sale, or disposition of any of said tools, implements, or animals. The said superintendent shall, at the expense of the county, make all necessary and proper provisions for the sustenance and safe-keeping of the stock and implements. The superintendent may furnish to the contractors, or any of them, such of said tools and implements as he may deem necessary; and shall make provision, in the bonds of all contractors, for the proper use and safe return of all tools and implements that he may furnish them.

Vacancy—how
filled.

§ 5. That the county court, a majority of the justices in commission being present, shall have power to fill vacancies in the office of superintendent, at any regular or called term of the court; and in case of a vacancy occurring in said office,

it shall be the duty of the county judge immediately to call the court together for the purpose.

1876.

§ 6. Any contractor to perform work on a road or bridge, who shall fail, in whole or in part, to complete the same within the time and in the manner prescribed in his contract, or who, having contracted to keep any part of the public roads in good order for traveling and hauling, or any bridge or culvert in good repair, and who shall fail so to do, shall, for every failure, be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than ten nor more than one hundred dollars. In the trial of any warrant against a delinquent contractor, the defendant shall, if he demands it, be entitled to a jury; and may, if found guilty, appeal to the circuit court, and the Commonwealth shall have the same right of appeal.

.Failure of contractor to fulfill contract guilty of a misdemeanor.

Shall be fined.

May take an appeal.

§ 7. All fines assessed under this act shall be collected as other fines, and shall all inure to the benefit of the road fund of Union county, and shall be paid out by the sheriff under the orders of the county judge.

Fines collected to be for the benefit of road fund.

§ 8. The superintendent of roads shall provide work on the roads or streets of towns, and employ some proper person or persons to oversee such persons convicted of penal offenses as may, by order of the proper authority, be required to work out their fines on the roads under the provisions of "An act in relation to persons convicted of penal offenses in Union county," approved April 18th, 1873 (see Acts 1873, page 396); and he may, when necessary, put a ball and chain upon any such person or persons to prevent his or their escape whilst at work, or in going to and from the place of work.

May employ an overseer.

§ 9. The levy court may, in their discretion, appoint a special commissioner to let out the construction or repairing of any bridge or bridges in Union county, and shall fix and provide for his compensation therefor: *Provided*, That the superintendent of roads shall not be held liable for any failure with regard to such bridge or bridges, and that the special commissioner shall be liable therefor; and the court may require bond, with surety, from such special commissioner.

Special commissioner may be appointed.

May require bond.

§ 10. That the judge of the county court, upon written information, under oath, of the superintendent, or of any two citizens of Union county, being filed in his court, at any regular term thereof, to the effect that any public road, or

County judge may appoint viewers.

1876.

part thereof, in use in said county, or which has been established, but not opened, is not of sufficient width for the public convenience, to appoint two or more fit suitable persons to view the same, whose duty it shall be to report, in writing, under oath, to the court at its next term, the present width of said road at the point or points designated, the character of the ground over which it passes, and of the land adjacent thereto, and the purposes for which said adjacent land is used, and whether, in their opinion, the convenience of the public demands that said road be made wider, and if so, how much wider, and the distance for which such increased width is required; and they shall also report how much of the adjacent land will be taken by the proposed change, to whom it belongs, and to what extent the change will injure or benefit the owner or owners of such lands. The court may direct the county surveyor to attend said viewers, and make out a map or maps of the ground viewed. Upon the report of the viewers like proceedings shall be had as are now had in applications for opening roads. If, upon the whole case, the court shall be of opinion that the said road ought to be widened, it shall order the superintendent of roads to have the same done, in manner and form to be prescribed by the court; but no road shall be made more than one hundred feet wide. In carrying out the provisions of this section, it shall be lawful, when unavoidably necessary, to embrace portions of any yard, lot, park, or orchard in the extension or increased width of any road; but nothing herein shall be construed to apply to graveyards. In every case arising under this section, the person whose land is taken shall, if he requires it, be compensated therefor; and if no agreement can be made as to the amount of such compensation, a writ of *ad quod damnum* shall issue on the application of the party aggrieved, and such proceedings had thereon as now authorized by law.

May direct
county surveyor
to attend said
viewers.

Owner of land
taken to be com-
pensated therefor

Writ of *ad quod
damnum* shall is-
sue.

May open roads
not exceeding 60
feet wide.

Delinquent tax-
payers to work
out their taxes.

§ 11. That the county court of Union county may open roads, not exceeding sixty feet in width, anything in the general laws to the contrary notwithstanding.

§ 12. That all delinquent capitation tax-payers of Union county shall be required to work out their taxes at such times, and on such roads, as the superintendent may require, for which work such delinquents shall have credit at the rate of

one dollar for each full day's work performed by him. The superintendent, for the purpose above set forth, is invested with the same authority that surveyors of roads under the general law now have; and for failing or refusing to comply with the orders of said superintendent, when notified as required by law, all such delinquents are made liable to all the pains and penalties now imposed by law for persons failing or refusing to work on roads. The superintendent is authorized and empowered to collect the taxes due from such delinquents, if they shall elect to pay the same rather than work on the roads; and the same shall be held and applied as part of the road fund.

1876.

At the rate of \$1 per day.

Authority to superintendent to collect taxes.

§ 13. That the superintendent of roads shall hold his office for four years, or until his successor is duly elected and qualified: *Provided*, That the county court of said county, a majority of the justices concurring, shall have the power, at any time, to remove him from office for any neglect of duty or malfeasance in office.

Term of office.

To be removed for neglect of duty.

§ 14. That the superintendent shall receive an annual salary of not more than eight hundred dollars, to be appropriated by the levy court, and payable out of the county levy.

Salary \$800.

§ 15. That the judge of the county court shall, upon information by the superintendent that a ditch is needed through the lands of any person, or that a branch or creek through any person's land needs cleaning out, straightening, widening, or opening in order to carry off the water from any part of the public roads, notify such person or persons to have the same done, and upon his failure, after reasonable time, being reported by the superintendent, the judge shall cause a summons to issue from the county court clerk's office against such person or persons, citing him or them to appear at the next regular term of his court, which shall meet in not less than five days thereafter, to show cause why the same shall not be done by the superintendent or contractor, and the cost thereof laid as a tax upon his or their property, to be collected by the sheriff as other county taxes; and, upon failure of such person or persons to show cause, the court shall order said ditches to be made, or the creeks or branches cleaned out, widened, or straightened, giving specific directions therefor; and the cost thereof shall be laid and collected as a tax on the

County judge, upon information from superintendent of a needed improvement, to notify parties interested.

Proceedings may be taken to enforce same.

Cost of improvement to be collected as a tax on property.

1876. property of said party or parties, and the work shall be paid for out of the county levy.

Unlawful for
superintendent,
&c., to become
interested in con-
tract.

Penalty.

§ 16. It shall be unlawful for the superintendent, county judge, sheriff, or county attorney, to become directly or indirectly interested in any contract for working roads or building or repairing bridges; and it shall be unlawful for either of said officers to buy or become interested in any road or bridge order or certificate, or any claim growing out of such work. Either of said officers who shall violate this section shall be guilty of a misdemeanor, and, upon an indictment by a grand jury, and conviction thereof before any court of competent jurisdiction, shall be fined for each offense not less than fifty nor more than one hundred dollars. This section shall be given in charge to the grand jury by the judge of the Union circuit court.

Certain roads
not to be let out to
contractor.

To be worked
by superintendent.

Ten days' no-
tice to be given.

Compensation
allowed.

§ 17. That the county judge, with the advice and assistance of the superintendent, may designate certain roads, or parts of roads, in the several justices' districts, which shall not be let out to contractors, and which shall be worked by the superintendent by hired hands, and by such persons liable to road tax living in said districts as may desire to work out their road tax. The superintendent shall, by printed notices posted at three or more public places in each district for ten days, notify all persons desiring so to discharge their taxes, to appear at given time and places on said roads, provided with suitable teams, tools, and implements for working the roads. The superintendent shall, in person or by some competent person or persons employed by him, attend and oversee the persons working under this section; and all persons who shall, in obedience to the said notice, appear and work to the satisfaction of the superintendent shall be allowed at the rate of (\$1) one dollar for each full day's work, and at the rate of (\$2) two dollars more per day for a team and plow or wagon; and the superintendent shall give to each person so working a written statement, over his official signature, of the time he worked and furnished teams, and the amount thereof, which statement shall be taken up by the sheriff in lieu of so much of the road tax of such person, and shall be returned by him as a voucher in his settlement with the county court; but no person shall do more work under the provisions of this section than will pay his road taxes. Any person who shall come upon a road, in obedi-

ence to the superintendent's notice aforesaid, and shall fail or refuse to do good work to the satisfaction of the superintendent, shall be proceeded against and fined as delinquent road hands are under the General Statutes; and on the trial, proof that the notices aforesaid were posted as herein required, shall be proof of notice to the delinquent.

1876.

For failure to do good work may be proceeded against.

Proof necessary.

§ 18. That the courts of the justices of the peace in and for Union county shall have jurisdiction concurrent with the quarterly court of all proceedings against road contractors under this act; and it shall be the duty of any justice, upon his own knowledge, or upon information of another on oath, that any part of the public road is out of repair, to issue his warrant against the delinquent contractor, returnable to his own or some other justice's court, or to the quarterly court of Union county; and upon the execution thereof, such proceedings shall be had as are had in other Commonwealth cases: *Provided however*, That, in proceedings under this section, the defendant shall not be entitled to claim his district; but the same may be tried wherever returned: *And provided further*, That both the Commonwealth and defendant shall have the right of appeal to the quarterly court from any judgment rendered in a justice's court.

Jurisdiction concurrent with quarterly court.

Right of appeal.

§ 19. It shall be the duty of the county attorney to prosecute all warrants under this act, when notified by the court trying the same; and for all cases so prosecuted, he shall receive as compensation twenty-five per cent. of the fine; and on his failure to attend or prosecute, the judge of the quarterly court may appoint some other practicing attorney to prosecute, who shall be entitled to said commission for his services.

County attorney to prosecute.

Compensation.

§ 20. That the superintendent shall, at least once in each year, and oftener if required, make to the levy court a full report of all work done by him or his assistants, or under or by his or their direction, of all the tools, implements, and work stock purchased and on hand, and the cost of each item thereof, and all other expenses necessary to the full performance of his duties on said roads; and also report all sales and disposition of said tools, implements, and stock; and make a full and separate report of the number of days he and each of his assistants were engaged in performing his or their duties, which reports must be sworn to.

Superintendent to make full report annually.

1876. § 21. That any person who shall willfully or negligently
 Destruction of injure, destroy, or obstruct any of the said public roads or
 property. bridges, or any of the culverts or ditches on said roads, or shall willfully or negligently injure any of the tools, implements, or stock mentioned in this act, or shall, without permission of the superintendent, take possession of or appropriate the same, shall be fined not less than five nor more than twenty-five dollars, to be recovered in like manner as the fines prescribed herein for the superintendent; and shall also be liable in double damages to the county, or any person aggrieved or injured, to be recovered in any court having jurisdiction of the amount. It shall be the duty of the superintendent and his assistants to report promptly to the judge of the county court all violations of this section.

How punished. § 22. That the said county court, a majority of the justices
 May assess tax. agreeing, may, on any regular county court day, assess a tax of not more than fifteen cents on each one hundred dollars which, by law, is assessed for revenue purposes, and a capitation tax not exceeding two dollars on each person required by law to work roads in said county.

How collected. § 23. That the ad valorem and capitation tax provided for in section twenty-two, *supra*, shall be collected by the sheriff of the county as the county levy is now collected, and he shall pay out the same in discharge of the liabilities incurred by the superintendent for labor, tools, implements, materials, work stock, or provender, purchased by him or his assistants, upon the order or certificate of said superintendent, given to the person who did the work or furnished the articles, setting forth by days, and price per day, the work done, and a description and price of articles and materials furnished:
 Proviso. *Provided*, That the sheriff shall take up and pay no such certificate unless indorsed "approved" by the presiding judge of the county court; and he shall have credit in his annual settlement for no such certificate unless so indorsed. The obligations of the sheriff shall be the same under this act as they are now with regard to county levy.

May assess a further capitation tax. § 24. It shall be the duty of the county court, at the time they assess the aforesaid tax, to assess a further capitation tax, not exceeding two dollars, on each person, which shall be collected as the tax provided for in section twenty-two of this act, which shall be paid out by the sheriff, on the order
 How paid out.

of the county judge, in discharge of the liabilities incurred in the construction and repairing of bridges in said county; and the sheriff shall have credit, in his annual settlement for the amount so paid, upon the production of the receipt or certificate of the person to whom paid, setting forth the work, materials, &c., used in the construction or repair of any bridge, designated by name or locality, as fixed by the road on which the said bridge is erected, which certificate or receipt must be indorsed "approved" by the judge of the county court; and the obligations and liabilities of the sheriff under this section shall be as in section (23) twenty-three of this act provided.

1876.

§ 25. That the judge of the county court, in all orders opening or changing roads, may direct the same to be opened, in whole or in part, by the superintendent and his assistants, or may direct that the person or persons applying for said new road, or change of road, shall, in whole or in part, make the same, and pay any part of the damages that may be assessed under any writ or writs of *ad quod damnum*; and in either case the said county judge may direct that those persons who, by the general law on the subject, are required to work on roads, living within one half mile on either side of the proposed road or change, shall, upon being summoned, assist the superintendent, or other person designated to open said new road, or make the proposed change; and any of such persons, who, upon being summoned, shall fail or refuse, without good cause, to attend and assist as herein required, shall be subject to the same penalties as delinquent road hands are, the proceedings against them to be as provided in the existing laws.

May open or
change roads.

May summon
persons to assist.

Penalty for re-
fusal.

§ 26. That it shall be the duty of the levy court, at its regular term, to fix a reasonable compensation for the services of the superintendent, and such persons as may be employed by him in overseeing persons working out their road tax, and the convicts placed under his charge, and to provide means for paying the same.

Compensation
to superintendent
and assistants.

§ 27. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, That nothing herein contained shall conflict with section first, article nineteen, chapter ninety-four, of the General Statutes.

1876. § 28. That this act shall take effect and be in force from and after its passage.

Approved February 29, 1876.

CHAPTER 278.

AN ACT incorporating the St. Mary's, Raywick, and New Hope Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company be, and is hereby, incorporated, under the name and style of St. Mary's, Raywick, and New Hope Turnpike Road Company; and by said name and style shall have perpetual succession; and may sue and be sued, plead and be impleaded; and as such, is hereby vested with all the powers enjoyed by similar corporations in this Commonwealth.

§ 2. The following persons are appointed commissioners to receive subscription of stock to said company, viz: James Davis, G. W. Beall, Tim. Downs, J. H. Carter, and T. W. Brannon; and said persons are authorized to open books and receive subscription at any time or place they may deem proper.

§ 3. The capital stock of said company shall be divided into shares of one hundred dollars each, and the entire capital stock shall not exceed the amount necessary to construct said road and toll-house, at which toll may be collected at the rates allowed by general law.

§ 4. When a sufficient amount of stock shall be subscribed to justify the beginning of said road, the commissioners, or such of them as may act, shall, at such time and place as they may deem proper, call a meeting of the stockholders, and hold an election for a president and three directors for one year, or until their successors are elected and qualified.

§ 5. The width of said road shall not be under twenty (20) or more than thirty (30) feet; the metal or macadamized part shall not be less than sixteen (16) feet; the steepness or grade shall not exceed three and a half (3½) degrees.

§ 6. It shall be the duty of the president and directors to appoint one of their directors treasurer, who shall execute bond, with approved security, and shall be responsible for all moneys of the company, subject to the order of the presi-

dent; and he shall also keep an account of the receipts and expenditures of said company, in a book kept for that purpose, which shall be open to the inspection of any stockholder in said company.

1876.

§ 7. The county court of Marion county are hereby authorized to subscribe to the capital stock of said company, in an amount not exceeding one thousand dollars per mile, should they deem it, in their discretion, necessary to be done. And said court are hereby empowered and authorized to subscribe stock to said company, in their discretion, to aid in building bridges across the Rolling Fork.

County court
authorized to sub-
scribe to capital
stock.

§ 8. This act to take effect from and after its passage.

Approved February 29, 1876.

CHAPTER 279.

AN ACT to amend the charter of the Ford's Mill and Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section second of an act approved February 3d, 1869, entitled "An act to incorporate the Ford's Mill and Kentucky River Turnpike Company," be, and the same is, amended as follows: Strike out all after the words "Woodford county," and insert in lieu thereof, "From a point in the Versailles and Munday's Ferry Turnpike Road, known as 'Elm Corner,' by way of Ford's Mill, to a point on or near H. M. Seller's farm; thence to Scott's Depot, in Jessamine county, on the Cincinnati Southern Railroad, by the nearest and most practicable route."

§ 2. This act shall take effect from its passage.

Approved February 29, 1876.

CHAPTER 280.

AN ACT authorizing the Wayne county court to sell twenty thousand dollars of the bonds of the county for the purpose of building court-house.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to enable the county of Wayne to raise funds to pay for building a new court-house at Monticello, the county

County court
may issue bonds
not exceeding
\$20,000.

1876.

court of said county is hereby authorized to issue and sell, in such manner as it may deem proper, the bonds of said county, to an amount not exceeding twenty thousand dollars, of such denomination or denominations, not under one hundred dollars nor over one thousand dollars each, payable at such time or times, not exceeding ten years from date of issue, and bearing interest from date of issue, at such rate or rates per centum per annum, not exceeding ten per centum per annum, as said court may determine.

Bonds—how
signed.

§ 2. Said bonds shall be signed "Wayne county," by such commissioner or commissioners as may be appointed by the county court for such purpose, and shall be attested by the clerk of said court over his seal of office.

§ 3. This act shall take effect from its passage.

Approved February 29, 1876.

CHAPTER 281.

AN ACT to amend an act, entitled "An act to incorporate the town of Butler, Pendleton county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Trustees em-
powered to erect
jail, &c.

§ 1. That the trustees of the town of Butler, Pendleton county, shall have power to erect and maintain a jail and work-house in said town.

Police judge
may commit of-
fenders to county
jail.

§ 2. That the police judge of said town, whether sitting as an examining or trial court, may, during any adjournment, commit to said jail any person charged with an offense of which he has jurisdiction, in the same manner, and under the same circumstances, as he may now commit such person to the county jail of said county.

Fines, &c., to
be paid into town
treasury.

§ 3. That all fines and forfeitures for breaches of the peace committed within said town, whether the same be tried by the police judge, county judge, or justice of the peace, shall be paid into the treasury of said town, and shall be for the use and benefit thereof; and persons convicted of such breaches of the peace may be confined in said jail, under the same circumstances, and in the same manner, and for the same time, as such offenders are now confined in the jail of said county: *Provided*, That persons confined in said jail under the provisions of this act shall be provided for and maintained at the expense of said town.

Proviso.

§ 4. All persons failing to pay or replevy fines imposed for a breach of an ordinance of said town, or a breach of the peace committed in said town, shall be confined in said jail, and kept at hard labor during the day either in said work-house or on the public streets of said town, for a length of time not greater than two days for each dollar of any such fine.

1876.
Penalty for failure to pay or replevy fine.

§ 5. This act shall take effect and be in force from its passage.

Approved February 29, 1876.

CHAPTER 283.

AN ACT authorizing Ballard county court to levy an ad valorem tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Ballard county, a majority of the justices of the peace for said county concurring therein, may, at the March term of said court in the year 1876, levy an ad valorem tax upon all the taxable property of said county, not exceeding twelve and one half cents on the one hundred dollars' worth of property, to be applied to the payment of the annual accruing expenses of the said county, including the year 1875, and applied to the payment of such claims as said court may order.

County court may levy an ad valorem tax not exceeding 12 1/2 cents on \$100.

§ 2. Said tax so levied by this act shall be collected by the sheriff of said county, in the same manner, and at the same time, that other county revenues are collected.

How collected.

§ 3. The court of claims for the county of Ballard shall, for the year 1876, be holden on the fourth Monday in November.

Court of claims when held.

§ 4. The county court of Ballard county shall, at its court of claims, levy for each year a poll-tax, as now authorized by law, and the same shall be applied to the payment of the present indebtedness of said county; and said poll-tax and other moneys due the county, except such as is authorized to be raised by this act, shall be ordered to be paid out on the indebtedness of said county, always applying the same first to the payment of the oldest debts against the county, except it should not pay all the claims allowed at the same court, then the amount of money shall be paid on the claims of that term pro rata.

May levy a poll-tax.

How applied.

1876. § 5. The county levies shall be laid at the time provided by law, except for the year 1876, which shall be governed by this act.

§ 6. This act shall take effect from and after its passage.

Approved February 29, 1876.

CHAPTER 284.

AN ACT to regulate the time of holding the county court of Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after February, 1876, the county judge of Daviess county shall hold a regular term of the Daviess county court in each month (whether the circuit court may be in session or not).

§ 2. That hereafter the regular term of the Daviess county court shall begin on the third Monday in each month.

§ 3. That this act be and remain in force from and after its passage.

Approved February 29, 1876.

CHAPTER 285.

AN ACT for the benefit of E. G. Davidson, of Clinton county, late a committee to Louisa Eldridge, a pauper lunatic of said county of Clinton.

WHEREAS, E. G. Davidson, of the county of Clinton, was, by a judgment of the Clinton circuit court, appointed a committee to Louisa Eldridge, a pauper lunatic of said county, and kept said lunatic from the 15th day of October, 1873, up to 12th day of May, 1874, and has never received any pay for said services; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said E. G. Davidson be, and he is hereby, allowed the sum of fifty-eight dollars and fifteen cents for keeping, feeding, and clothing said lunatic from the 15th October, 1873, up to 13th May, 1874, to be paid out of any money in the Treasury not otherwise appropriated; and the Auditor

of Public Accounts is directed to draw his warrant on the Treasury for said sum, payable to the said E. G. Davidson.

1876.

§ 2. This act shall take effect from and after its passage.

Approved March 1, 1876.

CHAPTER 286.

AN ACT for the benefit of Garfield McCormack, of Lawrence county.

WHEREAS, Garfield McCormack, a pauper idiot, living in Lawrence county, Kentucky, has had no inquest held on him since the 3d day of June, 1870, which inquest expired on the 3d day of June, 1875, and there being no provision by law whereby said idiot can draw the allowance provided by law for the maintenance of pauper idiots from the 3d day of June, 1875, till the next inquest is held; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That should there be an inquest held on said Garfield McCormack at the next spring term of the Lawrence circuit court, and when a certified copy of said inquest is filed with the Auditor of Public Accounts, showing such person to be a pauper idiot, said Garfield McCormack shall be entitled to an allowance from the 3d day of June, 1875, till said inquest is held, at the same rate that shall be fixed in said inquest; and the Auditor of Public Accounts is directed to draw his warrant on the Treasurer for said amount, payable to the committee of said Garfield McCormack.

§ 2. This act shall take effect on its passage.

Approved March 1, 1876.

CHAPTER 287.

AN ACT for the benefit of Daniel McColum, jr., appropriating him eighty-seven dollars and fifty cents.

WHEREAS, Daniel McColum, jr., committee for Nancy Lambertee, a pauper lunatic of Owsley county, has been compelled to keep and provide for said Nancy, from the 6th day of November, 1874, to the 6th day of January, 1876, without any compensation for the same; and for remedy therefor,

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury of Kentucky in favor of Daniel McColum, of Owsley county, for the sum of eighty-seven dollars and fifty cents, payable out of any money in the Treasury not otherwise appropriated.

Appropriating
§87 50.

§ 2. This act shall take effect from its passage.

Approved March 1, 1876.

CHAPTER 288.

AN ACT to declare Cane creek, in Breathitt county, a navigable stream from its mouth to the mouth of Soward's branch.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Cane creek, in Breathitt county, be, and the same is hereby, declared a navigable stream from its mouth to the mouth of Lower Soward's branch, so as not to affect any dams or gaps now across said stream, or to hinder the erection of any dams on said stream hereafter.

§ 2. This act to take effect from its passage.

Approved March 1, 1876.

CHAPTER 289.

AN ACT to incorporate the State Grange of the Patrons of Husbandry of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That M. D. Davie, H. C. Cooper, and J. M. Clark, of the county of Christian; S. F. Gano, of the county of Scott; T. J. Key, of the county of Jefferson; J. R. Mosely, of the county of Hart; A. P. Gooding, of the county of Mason; J. S. Young, of the county of McCracken, and J. Eugene Barnes, of the county of Fayette, be, and they are hereby, constituted a body-corporate and politic, by the name of "The State Grange of the Patrons of Husbandry of Kentucky," for the

Corporators.

Name.

purpose of promoting agricultural and kindred pursuits in the State of Kentucky, with the rights of perpetual succession; the right to sue and be sued by its corporate name; to have a common seal, and to alter the same at pleasure; to make contracts; to acquire, hold, and transfer real and personal property; to make and establish all by-laws, rules and regulations, deemed expedient for the management of their affairs, provided the same be not in conflict with the Constitution and laws of this State or of the United States. 1876.

Corporate powers.
May have common seal.

§ 2. The means and resources of this corporation shall consist of the voluntary contributions of its members, and of such fees as shall be required by the by-laws; and no member of this corporation shall be entitled to any part, interest or profit, of the money, funds, or property of this corporation, except such as the by-laws and rules of the same permit. Means and resources.

§ 3. No member of this corporation shall be individually liable for any debt or contract of the corporation.

§ 4. The officers of this corporation shall consist of a master, an executive committee, a secretary, and treasurer, and such other officers as from time to time may be created, whose duties and qualifications shall be prescribed and fixed by the by-laws. Officers.

§ 5. This corporation shall at no time subject itself, or permit itself to be subjected, to a greater amount of indebtedness than one hundred thousand dollars.

§ 6. The principal place of business of this corporation shall be at Georgetown, Scott county, Kentucky. Place of business.

§ 7. This act shall take effect and be in force from its passage.

Approved March 1, 1876.

CHAPTER 290.

AN ACT for the benefit of Richard Hackley, elisor of the Garrard circuit court.

WHEREAS, The sheriff of Garrard county and his deputies were relieved from acting as sheriff in summoning a jury in the case of Commonwealth of Kentucky against W. S. Miller, in the Garrard circuit, on proper affidavit being made; and whereas, Richard Hackley and three assistants were appointed by the judge of said court to summon said jury,

1876. attend the court during the trial, and keep the jury together, who served in the aggregate (29) twenty-nine days in such capacity ; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That the Auditor draw his warrant on the State Treasurer for the sum of sixty-nine dollars, it being three (\$3) dollars per day for the time employed by said elisor and his assistants ; also for the sum of six dollars and twenty-five cents for summoning witnesses.

Approved March 1, 1876.

CHAPTER 291.

AN ACT for the benefit of James McGuire, of Russell county.

WHEREAS, Stanton P. McGuire was, on the 26th day of June, 1875, adjudged a lunatic by the proper authorities constituted by law, and could not be admitted into a lunatic asylum ; was maintained and cared for by one James McGuire for the term of seven and a half months after the finding of said judgment by said authorities ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the Treasurer of the State, in favor of the said James McGuire, of the county of Russell, for the sum of forty-six dollars and eighty-seven cents, for keeping and supporting said lunatic for the term of seven and a half months.

§ 2. This act to take effect on and after its passage.

Approved March 1, 1876.

CHAPTER 292.

AN ACT to amend an act, entitled " An act to amend an act to incorporate the Second Presbyterian Church, of the city of Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the trustees of the Second Presbyterian Church, of the city of Louisville, are hereby authorized to issue the

bonds of said Second Presbyterian Church for the additional amount of ten thousand dollars, of any denomination which may be deemed proper; said bonds shall bear interest at any rate not exceeding 9 per centum per annum, payable semi-annually; said bonds shall not run exceeding twenty years, and the principal and interest shall be payable at any bank in Louisville therein.

1876.

§ 2. Each of said bonds so issued shall be payable to bearer, signed by the president, secretary, and board of the trustees of said Second Presbyterian Church, and attested by its corporate seal. The coupons shall be signed by the president of the said board of trustees.

§ 3. To secure the principal and interest of said bonds so issued, said board of trustees are authorized to execute a mortgage upon the church property, situate upon the corner of Second and Broadway streets, in the city of Louisville, Kentucky.

§ 4. This act shall take effect from and after its passage.

Approved March 1, 1876.

CHAPTER 293.

AN ACT for the benefit of Charles Breedin, of Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustee of the jury fund of Gallatin county be, and he is hereby, directed to refund to Charles Breedin, of said county, the sum of seventeen dollars and fifty cents, being amount of fine money paid by said Breedin to the said trustee of the jury fund, and afterwards remitted by the Governor.

§ 2. This act to take effect from its passage.

Approved March 1, 1876.

CHAPTER 294.

AN ACT for the benefit of C. W. Hull, deputy jailer of Kenton county.

WHEREAS, John Murphy was confined in the jail at Independence, in Kenton county, under an indictment for perjury; and whereas, the judge of the criminal court did, by an order,

1876. direct the said jailer to remove said Murphy to the jail in Covington, a distance of twelve miles, upon which order the deputy jailer, C. W. Hull, did remove said Murphy to the jail in Covington, at a cost of fourteen dollars and fifty cents; and as the law makes no provision for the payment of the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be directed to draw his warrant on the Treasurer in favor of C. W. Hull, for fourteen dollars and fifty cents.

§ 2. This act to be in force from and after its passage.

Approved March 1, 1876.

CHAPTER 296.

AN ACT to amend the charter of the Odd Fellows' Insurance Company of Kentucky, approved 23d February, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

May reduce
rates of member-
ship.

§ 1. That the third section of the act approved 23d February, 1874, chartering the company aforesaid, be so amended that the board of directors of said company shall have power to reduce the rates of charges for membership in said company to any sum below the rate fixed in said charter, and at any time to fix such sum to be charged for membership in said company as they may deem proper, not exceeding the rates provided in the charter.

Not required
to deposit with
Insurance Com-
missioner.

§ 2. *Be it further enacted,* That said company shall not be required to make the deposit of one hundred thousand dollars with the Insurance Commissioner, as required by the general insurance law of the State, nor subjected to the license fees and assessments required by that act.

§ 3. *Be it further enacted,* This act shall take effect from its passage.

Approved March 1, 1876.

CHAPTER 297.

1876.

AN ACT for the benefit of the Lawrenceburg and Shryock's Ferry Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Lawrenceburg and Shryock's Ferry Turnpike Company be so amended as to allow the company to establish a toll-gate at any point they may elect between Tyrone distillery, or Cliff Spring distillery, and Shryock's ferry, on Kentucky river, at which they may charge and collect the usual tolls for all travel, according to the distance traveled on said turnpike; and for that purpose may have the right to purchase and hold one acre of ground for a toll-house lot; and if said ground cannot be purchased at a reasonable price, they shall have the right to a writ of *ad quod damnum* to condemn the same.

May erect additional toll-gate.

§ 2. This act shall take effect from its passage.

Approved March 1, 1876.

CHAPTER 298.

AN ACT to amend the charter of the town of Rockport, Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of trustees of the town of Rockport, in the county of Ohio, be, and they are hereby, authorized to build, establish, and maintain in said town a guard-house or prison, in which any persons convicted of a breach of the by-laws or ordinances of said town, and adjudged to be imprisoned by the police court of said town, may be confined; and any person arrested upon charge of violation of said by-laws or ordinances, upon failure to give the required bail, may, upon written mittimus signed by the police judge or chairman of the board of trustees of said town, may be temporarily confined until his trial upon such charge: *Provided*, Such temporary confinement shall not continue for a longer term than two days.

May establish guard-house.

Violators of law to be confined therein.

§ 2. *Be it further enacted*, That any person found guilty of breach of the by-laws or ordinances of said town, before the police court, shall be compelled to work on the streets or other public works of said town, at the rate of one dollar per

Prisoners may be worked, &c.

1876. day, until, at this rate, he shall have paid the fine so adjudged against him for said violation, provided he do not pay or replevy the same.

Power and duty of town marshal.

§ 3. *Be it further enacted*, That the town marshal, whose duty it is to collect the town revenue under the present charter, shall have the same powers in collecting said revenue that sheriffs of this Commonwealth have, and shall be liable, on his official bond, for the faithful and legal discharge of his duties.

§ 4. This act to take effect and be in force from and after its passage.

Approved March 1, 1876.

CHAPTER 299.

AN ACT for the benefit of Geo. W. Sweney, late sheriff of Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That further time of two years be, and the same is hereby, given to George W. Sweney, former sheriff of Casey county, in which to collect his uncollected taxes and fee-bills.

§ 2. That the right to distrain for his fee-bill is hereby given said Sweney, subject to all the penalties imposed by law for illegal distraint.

§ 3. This act shall take effect and be in force from its passage.

Approved March 1, 1876.

CHAPTER 300.

AN ACT to change the time of holding the county and quarterly courts for Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

County court on first Monday.

§ 1. That hereafter the county court for Lincoln county shall be held on the first Monday of each month, instead of the second Monday in each month, as now directed by law.

Quarterly court — when held.

§ 2. That hereafter the quarterly court for Lincoln county shall be held on the second Monday of the months of March,

June, September, and December, instead of the first Monday in the months of March, June, September, and December, as now directed by law. 1876.

§ 3. That this act shall be in force from the first day of April, 1876.

Approved March 1, 1876.

CHAPTER 301.

AN ACT to amend an act to incorporate the town of Greenville, and give concurrent jurisdiction with police judge to county judge and justices of the peace.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section five, chapter 1693, Acts 1869, approved March 4th, 1869, entitled "An act to amend the several acts relating to the town of Greenville," be amended so as to give the county judge and justices of the peace of Muhlenburg county concurrent jurisdiction with the police judge of said town of Greenville for the trial of all penal cases.

§ 2. This act to take effect from its passage.

Approved March 1, 1876.

CHAPTER 302.

AN ACT for the benefit of G. P. Jolly, late sheriff of Breckinridge county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years is hereby given to Gideon P. Jolly, late sheriff of Breckinridge county, and his securities, in which to collect his uncollected taxes and fee-bills; and that they have the right to distrain for the same, subject to all the penalties imposed by law for illegal distraints or the collection of illegal fee-bills. Allowed five time.

§ 2. This act shall take effect from its passage.

Approved March 1, 1876.

1876.

CHAPTER 304.

AN ACT for the benefit of Seymour H. Perkins, clerk of the Todd county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the court of claims of Todd county be, and they are hereby, ordered to pay to Seymour H. Perkins, clerk of the Todd county court, in addition to the amount heretofore allowed to him, one cent for every twenty words contained in the index and cross-index of deeds which he was required to make, under the order of said court, by an act of the General Assembly approved February 28, 1872.

§ 2. This act shall take effect from its passage.

Approved March 1, 1876.

CHAPTER 305.

AN ACT to enable the people of Jessamine county to vote a tax on themselves to build a new court-house in said county.

WHEREAS, Under a levy made by the Jessamine county court of claims at its December term, 1874, the sum of \$5,375 29 has been collected in said county for the purpose of erecting a new court-house therein, and is now in the hands of its treasurer; and whereas, the court of claims of said county deem it expedient and proper to use said money for the purpose of repairing the old court-house in that county; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the court of claims of Jessamine county to use the funds raised in said county for the purpose of building a new court-house therein, either to repair the old court-house in said county or to build a new one, as the court of claims of said county may deem expedient, right, and proper.

Court of claims may build new or repair old court-house.

§ 2. And said court of claims is authorized, in addition to the sum already raised, to levy on all property listed in said county for revenue purposes an ad valorem tax of not exceeding seventy-five cents on each one hundred dollars, to be used, with the fund already raised, for the purpose of building a new court-house in said county or repairing the old one, as

May levy an ad valorem tax.

the court of claims of said county may deem proper, and to provide for the collection of the same.

1876.

§ 3. The discretions, powers, and authorities given to the court of claims herein may be exercised by the presiding judge of said county and the justices of the peace thereof, a majority of whom, including said judge, may act. The judge of said county is authorized to call the justices together for any of the purposes herein mentioned whenever, in his discretion, he may deem it proper.

§ 4. The levy herein provided for may be made for one or more years—the whole amount levied not to exceed seventy-five cents on each hundred dollars.

Approved March 1, 1876.

CHAPTER 306.

AN ACT for the benefit of T. C. Eidinwaters, committee for Sarah T. Morrison, a pauper idiot of Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant upon the Treasurer for eighty-one dollars and twenty-five cents, to be paid out of any money not otherwise appropriated, in favor of T. C. Eidinwaters, committee for Sarah T. Morrison, a pauper idiot of Boone county.

§ 2. This act to take effect from its passage.

Approved March 1, 1876.

CHAPTER 307.

AN ACT to amend an act, entitled "An act to amend the charter of the Louisville Banking Company, of the city of Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Louisville Banking Company be, and are hereby, authorized, by a vote of a majority of its stockholders, to make the par value of the shares of stock in said bank one hundred dollars each; and to call in the present certificates of forty dollars each, and issue, in lieu thereof,

Par value of
stock \$100 per
share.

1876. new certificates, at the rate of one of the new for every two and one half of the old.

§ 2. This act shall take effect from its passage.

Approved March 1, 1876.

CHAPTER 308.

AN ACT to authorize the county court of Hancock county to levy an additional ad valorem tax of twenty cents on the one hundred dollars.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Hancock county, at its next March or April term, or any other term, a majority of the justices being present and concurring, may, and is hereby authorized to, increase the county levy of said county twenty cents on each one hundred dollars' worth of taxable property in said county; and the said additional levy of twenty cents on the one hundred dollars shall be laid, collected, and disbursed in the same manner, under same penalties and responsibilities, and for the same purposes, as other county levy; and that such increased tax is authorized for the year 1876, and such other years as said court may see proper to levy for.

§ 2. This act to take effect from its passage.

Approved March 1, 1876.

CHAPTER 309.

AN ACT to amend an act to incorporate the Danville, Lancaster, and Nicholasville Turnpike Road Company, approved February the 22d, 1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act incorporating the Danville, Lancaster, and Nicholasville Turnpike Road Company be, and is hereby, amended so as to require the election of a president and board of directors to be held on the second Wednesday of July in each year; and no person shall be eligible to the office of president or director, who has not been the owner of ten shares of the stock of the company for twelve months next preceding said election, which must be evidenced by the books of said company.

§ 2. *Be it further enacted*, That at least one of the directors of said company shall be a resident of each of the counties through which said road passes in whole or in part: *Provided*, He shall have owned the requisite amount of stock the required time. 1876.

§ 3. *Be it further enacted*, That it shall be the duty of the president, for at least fifteen days before the annual election, or any election at which the stockholders may be entitled to vote, to give notice by publication, at least in one newspaper published in each county through which said road passes, and at the same time notify the Governor of the time and place of said election.

§ 4. *Be it further enacted*, That none of the provisions of this act shall be applicable to the next annual election for president and directors of said company, to be held on the first Monday in May next. The officers then elected shall continue in office until the second Wednesday in July, 1877, and until their successors are duly qualified.

§ 5. *Be it further enacted*, That the rates of toll now charged at the gates and bridges on said road may be continued, but shall not be increased beyond the rates heretofore charged: *Provided*, That the provisions of this act shall be accepted and approved by the stockholders at their annual or any regularly called meeting.

Approved March 1, 1876.

CHAPTER 310.

AN ACT to incorporate the Mouth of Tate's Creek Turnpike Road Company.

WHEREAS, It appears that at the January term of the Fayette county court, in the year 1861, Leroy M. Land, Edmund Newman, Henry T. Johnson, Richard B. Laffoon, and their associates, attempted to organize and become an incorporated company, according to the provisions of chapter 103 of the Revised Statutes, under the name of "Mouth of Tate's Creek Turnpike Road Company;" and whereas, said company has constructed, and is now operating, a turnpike road for the distance of five miles from the terminus of the "Tate's Creek Extension Turnpike Road," along the general course

1876.

of the old Tate's Creek Dirt Road, being throughout its course partly in Fayette and partly in Jessamine county; and whereas, it appears that there is no record of said company having ever been regularly established; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

§ 1. That Leroy M. Land, Edmund Newman, Henry T. Johnson, Richard B. Laffoon, Thomas Davis, and associates, and their successors, be, and they are hereby, created a body-politic and corporate, for the purpose of carrying on the business of a turnpike road company, under the name and style of the Mouth of Tate's Creek Turnpike Road Company; and by that name and style shall have perpetual succession, and the right to contract and be contracted with, to sue and be sued; to have a common seal; and shall have all other rights, privileges, and powers conferred upon similar corporations by chapter 56 of the General Statutes, so far as the same are applicable.

Corporate powers.
Common seal.

§ 2. That all contracts made, acts performed, and proceedings had, by and in behalf of said company, for the purpose of constructing and operating said road, not inconsistent with the general laws of Kentucky regulating such corporations, are hereby declared to be as valid and binding as though said company had been regularly incorporated.

Capital stock.

§ 3. That the capital stock of said company shall not exceed twenty thousand dollars.

§ 4. That said company shall not subject itself to a greater amount of liability or indebtedness than ten thousand dollars.

§ 5. That the private property of stockholders shall be exempt from corporate debts.

May borrow money.

§ 6. That said company shall have the power to borrow any sum of money necessary to pay off the debt created for the construction, operation, and improvement of said road, not exceeding seven thousand dollars, and to make and execute a mortgage on said road and its franchises to secure the payment of such loan: *Provided*, That the stock held by Fayette county in said company shall be held inviolable by said company, and shall not, to any extent, be encumbered or endangered by, or rendered liable for, said mortgage debt.

§ 7. That said company may continue to collect toll at the two toll-gates now erected on said road: *Provided*, That a greater rate of toll per mile shall not be charged than that prescribed in chapter one hundred and ten of the General Statutes. 1876.
May collect toll.

§ 8. That the affairs of said company shall be managed by a president and four directors, one of whom shall act as secretary and treasurer, who shall be annually elected by and from among the stockholders, on the Tuesday after the second Monday of July, and hold office until their successors shall have been duly elected; and they shall have power to fill all vacancies that may occur among themselves until the succeeding annual election. Officers.
When elected.
Term of office.
Vacancy—how filled.

§ 9. That said company shall commence on the passage of this act, and shall terminate fifty years thereafter.

§ 10. The principal place of transacting the business of said company shall be at its toll-gate nearer Lexington. Place of business.

§ 11. That the officers now in charge of said road shall have full power to manage the affairs of said company until their successors shall have been duly elected.

§ 12. That said company may at any time change its common seal, its annual election day, and its principal place of business. May change seal, &c.

§ 13. That the president and directors shall have power to make such by-laws, for the management of the affairs of said road, as they may deem necessary: *Provided*, That the same are not inconsistent with this act, or the Constitution and laws of this State or of the United States.

§ 14. That this act shall be in force from its passage.

Approved March 1, 1876.

CHAPTER 311.

AN ACT to incorporate the town of Cherry Hill, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Cherry Hill, in Trigg county, Kentucky, be, and the same is hereby, incorporated, with the following boundary, to-wit: Beginning at the residence of J. A. Fort; thence to J. A. Wallis'; thence to Wm. Nichols'; thence

1876. to J. G. Sallie's; thence, in a straight line, to A. W. Jones'; thence to D. D. Herndon's; thence to the beginning.

§ 2. That there shall be three trustees elected annually for said town on the first Saturday in May, to serve for one year, who shall have the power to grant coffee-house license, levy tax for the improvement of said town, and pass all other ordinances not inconsistent with the laws of this Commonwealth.

§ 3. That, on the same day set apart for the trustees of said town, there shall be an election held for a police judge and town marshal, who shall give bond, and be clothed with all the powers and privileges delegated to such officers, and shall hold their offices for two years.

§ 4. That the trustees of said town shall have the power to tax all shows and public exhibitions in such sums of money as they, in their by-laws, may fix; and all such taxes, together with all fines and forfeitures collected under said by-laws, to go to the use and benefit of said town.

§ 5. This act to take effect from its passage.

Approved March 1, 1876.

CHAPTER 312.

AN ACT for the benefit of Samuel Cecil, of Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant upon the Treasurer for the sum of one hundred and twenty-two dollars and twenty-one cents, in favor of Samuel Cecil, committee of John Cecil, a pauper lunatic of Clinton county, for keeping said lunatic from the 5th day of March, 1873, to the 15th day of October, 1873.

§ 2. This act to take effect from its passage.

Approved March 1, 1876.

CHAPTER 133.

1876.

AN ACT to incorporate the Farmers' Home Mutual Aid Association, of Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. S. Quantance, president, Morton Alexander, Corporators.
H. P. Jones, T. A. Caywood, James Hull, supervisors, and all
other persons who shall become members thereof in the man-
ner herein prescribed, be, and they are hereby, incorporated
and made a body-politic, by the name of the Farmers' Home Name.
Mutual Aid Association of Fleming county, Kentucky, for the
purpose of insuring their respective dwelling-houses, barns,
and other buildings in the county of Fleming against loss by
fire, lightning, or wind; and by that name may sue and be
sued, plead and be impleaded, appear, prosecute, and defend, in
any court of record or other place whatsoever; may have and
use a common seal; may make, establish, and put into execu- Common seal
tion such by-laws, ordinances, and resolutions, not being con-
trary to the laws of this State or of the United States, as may
seem necessary for their government and for the management
of their affairs, and to carry into full effect the purposes and
provisions of this charter.

§ 2. All persons who shall hereafter insure with the said Who members.
corporation, and also their heirs, executors, administrators,
and assigns, continuing to be insured in said corporation as
is hereafter provided, shall hereby become members thereof
during the period they may remain insured by said corpora-
tion, and no longer.

§ 3. The affairs of said association shall be managed by a Officers.
board of directors, consisting of five members, as hereinafter
provided. All vacancies happening in said board may be
filled by the remaining directors for the remainder of the Vacancies—how
year for which they were elected: *Provided*, That said board filled.
shall not be reduced to a less number than three, in which
event the members of the association shall proceed, by elec-
tion, to fill all vacancies until the next regular election, should
such vacancies occur more than three months prior to said
regular or annual election; a majority of the board shall con-
stitute a quorum for the transaction of business.

§ 4. The persons first named in this act shall be the first
directors of said corporation, and shall continue in office for

1876.

one year after the passage of this act, and until the first election by the corporation of others in their stead; and which board of directors shall hereafter be elected in each year, at such time and place in the county of Fleming as the corporation in their by-laws shall appoint, of which election due notice shall be given by the directors, by posters or otherwise, at least twenty days immediately preceding said election; and such election shall be made by the members or their proxies by a plurality of votes, allowing to each member one for every one hundred dollars insured in said association. No person shall be an officer in the association who is not a member thereof; and the board of directors, at their first meeting after the passage of this act, shall elect from among their number a president, secretary, and treasurer, who shall hold their offices for one year, or until others are elected.

Limit of insurance.

§ 5. This association shall not insure any dwelling or other building in the aggregate, with insurance taken in other companies, for more than two thirds of its cash value; and in case of fire, accident by lightning or wind, the association will not pay more than two thirds of the cash value thereof at the time of such loss; nor shall the association have the right to assess or collect any money from any member of the association unless there has been a loss in said association: *Provided, however,* They shall have the right to assess and collect annually not exceeding one fifth of one per cent. upon the amount insured by each and every member to pay contingent expenses.

New members.
How insured.

§ 6. Upon the application on any person to become a member of the association, and paying to the treasurer two dollars, any three of the directors shall go to his dwelling, or other house to be insured, and make a survey, fix a valuation, and the amount of risk that the association will take; and if the parties agree, the directors shall repeat to the president, also shall issue his certificate of insurance, countersigned by the secretary, bearing date at what time the risk commences running, and when it shall expire, a copy of which shall be entered by the secretary, and countersigned by the president, in a book kept for that purpose.

§ 7. Every member of said association shall be, and is hereby, bound and obliged to pay his, her, or their portion of all losses and expenses happening or occurring in said association; and all buildings insured by and with said association,

together with the right, title, and interest of assured to the lands on which they stand, shall be pledged to the association, and the said association shall have a lien thereon against the assured, his or her heirs, representatives and assigns, during the continuance of their insurance, as to all debts and liabilities contracted subsequent to the passage of this act, but none others.

1876.

Lien held on
property insured.

§ 8. In case of loss or damage by fire, lightning, or wind, happening to any member upon property insured in and with said association, the said member shall give notice thereof to the president or secretary within five days from the time such loss or damage happened; and any three of the directors, upon a view of the same, or in such other manner as may be necessary to insure a just and correct estimate thereof, shall ascertain and determine the amount of such loss or damage; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the sued party may bring an action against said association for said loss or damage at the next court held in and for the circuit of Fleming county, and not afterwards, unless said court shall be holden within sixty days after said determination; but if holden within that time, then at the next court holden in said county thereafter; and if, on the trial of such action, a greater sum be recovered than the amount determined upon by the said directors, the party suffering shall have judgment therefor against said association, with interest thereon from the time of such loss or damage, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become non-suit, and the said association shall recover costs: *Provided, however,* That the judgment last mentioned shall in nowise affect the claim of said suffering party to the amount of loss or damage as determined by the directors aforesaid: *And further,* That execution shall not issue, or lien be enforced, on any judgment against said association until after the expiration of three months from the rendition thereof, and then only to be levied upon the property of such persons as shall have failed to pay their pro rata of such loss or damage and costs; and the production of a receipt from the treasurer of said association for such pro rata, or the payment thereof to the officer holding such execution or judgment of lien, shall re-

Losses—how
paid.

1876. lease the person to whom such receipt was given, or making such payment, from all liabilities upon such judgment or execution.

§ 9. The directors shall, after receiving notice of loss or damage by any member, and ascertaining the sum, or after the rendition of any judgment aforesaid against said association for loss or damage, settle and determine the sum to be paid by the several members thereof, as herein provided, as their respective portion of said loss, and give each of the members notice in such a manner as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to their certificate of insurance, to be ascertained by the proportion that the loss or damage sustained bears to the aggregate valuation of the property insured, and shall be paid to the treasurer within thirty days next after said notice; and if any member shall, for the space of thirty days after receiving such notice, neglect or refuse to pay the sum assessed upon him as his portion of any loss, in such case the directors may sue for and collect the amount assessed, with cost and ten per cent. damages.

Limit of risks
and property in-
sured.

§ 10. The aggregate valuation of the property insured by said association shall not be less than one hundred thousand dollars, nor shall it exceed five hundred thousand dollars, nor shall said association take any risk upon any dwelling, or other building, for a sum exceeding three thousand dollars.

§ 11. All property insured by said association shall be liable as herein provided until all outstanding losses shall have been paid, and until the owner thereof shall have withdrawn his insurance, by a written application to the board of directors, when he shall be entitled to a certificate of discharge, signed by the president, and countersigned by the secretary, which shall show that all existing demands against him has been paid: *Provided, however,* That all transfer of such property shall operate as a release of the same, under the provisions of this act, as to all subsequent liabilities, unless the purchaser thereof shall make application to the board of directors for a continuance of said insurance, within ten days from the date of said transfer, in which event such purchaser shall be substituted to all the rights of his vendor under this act, and the said property held liable as herein provided; and the provisions of this section shall apply as

well to personal representatives and guardians as to purchasers of such property. 1876.

Approved March 1, 1876.

CHAPTER 314.

AN ACT to incorporate Farmers and Traders' Bank, of Lexington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of deposit in the city of Lexington, with a capital of one hundred and fifty thousand dollars, with the privilege of increasing same to three hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body politic and corporate, by the name of The Farmers and Traders' Bank, and shall so continue for twenty-five years from the passage of this act; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; they may have a common seal, and change and renew the same at pleasure; they shall have power to receive gold and silver and bank notes on deposit, and make loans; to buy and sell drafts, bills of exchange, and bonds, and promissory notes; and the promissory notes made negotiable and payable at its banking-house, or at any other bank in this State, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the acceptors, drawers, and indorsers; and on all discounts remaining unpaid after maturity may collect interest at the legal rate; and they may allow interest on deposits, or allow the depositors to share the profits of the bank on such terms as may be prescribed by by-laws.

Bank established

Capital stock.

Name.

Corporate powers.

Common seal.

§ 2. Said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be necessary or convenient for the transaction of its business, or which may be conveyed to it as security for any debt,

May acquire real estate, &c.

1876. or purchased in satisfaction of any debt, judgment, or decree and convey the same; and may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution of this State or of the United States.

§ 3. This corporation, by its board of directors, may appoint such officers or agents as may be necessary to conduct its business, and fix their compensation; and the officers or agents so appointed shall hold their offices during the pleasure of the board of directors and no longer; they shall execute bond, with satisfactory security, in such sums as may be required by the directors. The bank shall be under the control of a board of seven directors, who shall be stockholders and residents of this State, and shall, after the first election, be elected annually on the first Tuesday in January; they shall hold their offices for the term of twelve months, and until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings, and other meetings may be had at the call of the president; and, in case of the death, resignation, or inability of any of their number, shall have power to fill the vacancy; they may declare dividends of the profits of the business. The stock shall be deemed personal property, and shall be assignable on such terms as may be prescribed by the directors.

Officers and agents. Shall give bond. Directors—how chosen. Term of office. Vacancies—how filled. Stock personal property.

§ 4. This corporation shall have a right to discount all paper at the legal rate of interest, and may charge a like rate of interest on all over drafts.

Right to discount

§ 5. Hamilton A. Headley, Geo. W. Headley, Hogan Hocker, and W. F. Marrs are hereby appointed commissioners to open books and receive subscriptions of stock; and when one hundred and fifty thousand dollars have been subscribed and paid in, shall give notice to the subscribers, and appoint a day of election; and the stockholders shall have one vote for each share of stock held by them.

Commissioners.

§ 6. The Legislature shall have the right, at any time, to examine, by a committee appointed for that purpose, the condition of the corporation.

§ 7. The directors, and all officers and agents appointed to conduct the business of the bank, shall, before entering upon the discharge of their respective duties, take an oath, before some officer qualified by law to administer such oath, that they will honestly, faithfully, and to the best of their ability,

Directors, officers, and agents shall take oath.

discharge the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation. 1876.

§ 8. The board of directors shall keep a book, in which shall be entered each meeting and its proceedings, and all paper discounted by it; said book shall contain its by-laws and resolutions adopted by them. Record to be kept.

§ 9. That, for the better security of the bank and its depositors, the directors shall, before declaring a dividend, set apart as a reserve fund ten per cent. of the net earnings of the preceding six months, and shall continue to do so until the said reserve or surplus fund shall amount to twenty-five per cent. on its capital stock, and the same shall be kept as a reserve to meet any contingency that may arise. Shall set aside surplus fund.

§ 10. It shall not be lawful for said bank to issue any note or bill to be circulated as currency. Not a bank of issue.

§ 11. This act shall take effect from its passage.

Approved March 1, 1876.

CHAPTER 315.

AN ACT to incorporate the Lexington Gas Company, of Lexington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That the following charter be granted to the present Lexington Gas Company, to take effect at the expiration of their present charter, on the first day of January, 1877:

§ 1. That a company shall be, and is hereby, incorporated, with a present capital of one hundred and twenty-three thousand eight hundred dollars (\$123,800), to be increased as hereinafter prescribed, to be divided into shares of fifty dollars each, to be owned by individuals, companies, and corporations. They and their successors and assigns shall be, and are hereby, created a body-politic and corporate, by the name of the Lexington Gas Company; and by that name and style, under the restrictions hereafter prescribed, shall be capable to contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts and elsewhere, as natural persons; and may have and use a common seal, and change, alter, and renew the same at pleasure; and may ordain and put in Capital stock. Corporate powers. Common seal.

1876. execution such by-laws, rules and regulations, for the good government of said company, and for the efficient management of its affairs and prudential concerns, as may be deemed expedient, not contrary to the Constitution or laws of this State or of the United States.

Place of business. § 2. That said company shall keep an office in the city of Lexington, and its business shall be to make and furnish gas to the city of Lexington and residents thereof, and vend the same; and said company shall have the right to purchase and hold such real estate and personal property as may be necessary, proper, or convenient in the carrying on and transacting its said business.

May lay down and extend pipes, &c. § 3. The gas company may extend the main pipes for distributing the gas when, in its judgment, it may seem fit; and the present amount of capital paid in, viz: \$123,800, may be increased for such extension from time to time; that, to enable the company to construct, continue, and extend its gas-works in the city of Lexington, it is authorized to continue and extend its gas works in the city of Lexington; it is authorized to continue the use of the pipes and conductors which may have been laid down; and, with the consent of the city council, to own and extend its pipes and conductors through the other streets and alleys of said city; and, for that purpose, to take up the pavements, and to replace the same, and shall be responsible to the city for any damage which may arise therefrom, or any unreasonable delay in replacing the same; and said company shall be subject to the regulations of the city as to the streets and alleys, and to the same ordinances and penalties that individuals may be subject to, provided all extension of pipes and conductors shall be made with the consent of the city council, and under the supervision of the city engineer.

May erect lamp-posts, fixtures, &c. § 4. That the gas company shall put up lamp-posts, fixtures, &c., along the street mains as they are extended, and as the lamp-posts may be ordered and located by the mayor and board of councilmen of the city of Lexington. The gas company is to keep the lamps in order, to furnish gas, and light and extinguish the same, giving to each light an illuminating power of not less than twelve sperm candles; and the time of burning shall be from the dawn of twilight in the evening until dawn of day in the morning, except on clear moonlight nights, when the lights may be dispensed

with; and said lights shall be furnished to the city at a charge not exceeding thirty-five dollars annually per lamp, and the charge for private consumers shall be so graded as that the company's profits shall not exceed eleven (11) per cent. per annum on the par value of the stock, ten (10) per cent. of which may be drawn by the stockholders in semi-annual dividends, and the other one (1) per cent. to be laid out for extensions and additional works, and not to be capitalized except at the end of every five (5) years. But the charge to private consumers shall not exceed three and a half dollars (\$3 50) per thousand cubic feet of gas.

1876.

Price of gas.

§ 5. A gas inspector or inspectors may be appointed, whose duty it shall be to examine into all supposed errors in the gas bills of consumers, and correct the same when called upon by the consumer for that purpose; the manner of appointing, and the remuneration of said inspector or inspectors, to be made in such manner as the city council of Lexington and the gas company may agree upon.

Gas inspectors' duties.

§ 6. That if any person shall willfully or carelessly, by any means whatever, injure or destroy any part of the gas-pipes or conductors, lamps, lamp-posts, burners, or any of the works of the gas company, or fixtures or machinery, all such persons shall be bound to the company for all damages sustained thereby, and may, furthermore, be liable, within two years after the commitment of the offense; and, upon conviction, shall be fined in any sum, at the discretion of the jury, not exceeding one thousand dollars, or by imprisonment in the city work-house, at hard labor, not exceeding five years; but this section shall not be held to change the law as to arson, or willfully burning the houses of the company.

Penalty for destroying the property of company.

§ 7. That each share of stock in the gas company shall entitle the owner to one vote. The stockholders shall meet at the office of the gas company on the second Monday of January in each year, of which meeting notice shall be given, for ten days previous, in at least two newspapers printed in Lexington, for the purpose of electing six directors. The directors shall elect, from their own body, a president. The president and directors shall serve for one year, or until their successors are elected; no director to be eligible for office unless he is, in his own name, owner of at least

Time of meeting.

Officer.

Term of office.

1876.

Vacancies—how filled.

five (5) shares of the stock of the company. The board of president and directors shall fill all vacancies that may arise in their body from death, resignation, or any other cause. The said board of president and directors shall be intrusted with the real estate, business, property, funds, and financial concerns of said company, and the administration of its affairs. At any meeting of directors, the president and three directors, or, in the absence of the president, four directors, shall form a quorum competent to transact business. The mayor and board of councilmen of the city of Lexington shall, besides, have the power and option to elect one member of their board, and one citizen of the city of Lexington, directors of the Lexington Gas Company; said members so appointed to have the same status as if regularly elected by a majority of the shareholders of the Lexington Gas Company; but this power of electing directors shall cease whenever the city shall sell or transfer its stock in the company.

Certificates of stock — how issued.

§ 8. That certificates of stock shall be issued to the holders thereof whenever the same shall be paid for; and stock in this company shall be considered and pass as personal estate, and shall be transferable only on the books of the company, in such manner as the stockholders or president and directors by their by-laws prescribe; but no stock shall be transferable until all the debts and demands of the company are discharged; and for all debts and demands the company shall have a lien on the stock. That on the second Monday in July and January, in each year, the company shall make a statement of the affairs of the company, and shall furnish the same to the stockholders and city council, at which time the semi-annual dividend shall be declared.

Must keep record.

§ 9. That the president and directors shall keep a record of their proceedings, which, together with the books of the company, they shall produce to the stockholders at the regular or called meetings, and to a committee of the Lexington city council, at any time during the business hours of the day, for examination or inspection.

Malfeasance in office.

§ 10. That if any officer of this company shall, without the authority of the president and directors, appropriate any of the funds of the corporation to his own use, or that of any other person, shall willfully fail to make correct returns, or shall knowingly make false returns on the books of the company, with the intent to cheat or defraud the corporation or

any person, or to hide or conceal any improper appropriation of the funds of the corporation, the officer so offending shall be deemed guilty of felony, and, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State for a period of not less than two nor more than twenty years.

1876.

How punishable.

§ 11. That the directors shall allow the president and other officers only a reasonable compensation for their services; but no compensation shall be allowed to a director, except by the order of the stockholders; and if the president or any of the directors shall knowingly diminish the capital stock, by dividends or otherwise, they shall be responsible to the stockholders for the deficiency thus created.

Compensation of officers.

§ 12. Reports of the finances and affairs of the company may be required by the Legislature, and the Legislature shall have the right, by its committees, to investigate the condition of the company; and any violation of the essential provisions of the charter shall cause forfeiture; but no forfeiture shall prevent the corporation from collecting its debts and enforcing its contracts and collecting its effects.

Reports may be required.

§ 13. That the Fayette circuit court shall have jurisdiction to hear and determine alleged forfeiture of this charter on the complaint of any stockholder, or of the State of Kentucky, or of the city of Lexington.

§ 14. That the stock in the hands of the stockholders is exempt from all State tax; and, in lieu thereof, the State may impose a tax on the capital stock paid in of fifty cents on the hundred dollars, said tax to be collected from the gas company, and when paid, to exempt the property and effects of the company from any additional tax; but said tax shall not exempt the real estate held by the company from municipal taxation and assessment to the same extent with real estate in the city held by individuals.

Tax—how assessed and collected.

§ 15. The city of Lexington, if it so elect, may purchase the gas-works at the termination of twenty years (20), at a fair estimation of what said works are worth at that time: *Provided*, That the city shall notify the company of said election on its part at least one year before the twenty years expires; the value of the works to be ascertained by two competent gas engineers, selected one by each of the parties; and in case of their disagreeing, by an umpire whom they

The city may purchase the gas-works—when & how.

1876. may select, the proceeds of which sale to be divided pro rata among the stockholders, including the city of Lexington.

§ 16. That no person, company, or corporation shall have the right of laying down gas-pipes in or under any of the streets or alleys of the city of Lexington without the permission of the board of mayor and councilmen given in council; and whenever such permission may be given, no discrimination shall be made by said board of mayor and councilmen as to the limitations and restrictions upon, or the rights and privileges to be enjoyed by, any persons, companies, or corporations who have heretofore applied, or who may hereafter apply, to said board of mayor and councilmen for such permission; but the same limitations and restrictions, so far as they are applicable, and the same rights and privileges as are contained in this charter shall apply to, or be enjoyed by, any such person, company, or corporation to whom or which such permission may be given; but whenever permission is given by the board of mayor and councilmen to two or more gas companies to lay their gas-pipes in or under any of the streets or alleys, then the obligation on this company to furnish light to the street lamps at thirty-five dollars per lamp shall cease; but the company shall, for nine months after such permission, furnish light to the street lamps upon the same terms and conditions that gas is furnished to private consumers; after which time the furnishing of gas to the street lamps shall only be subject to such agreement as the company and city may make.

§ 17. That no alteration or amendment to the charter of the gas company be made without the consent of the mayor and board of councilmen of the city of Lexington.

§ 18. This charter is to be valid and in full force when accepted by those who hold a majority of the shares of stock of the present gas company; and the new company shall become successors to and owners of all real estate and other property belonging to the old company.

§ 19. The capital stock of said company is one hundred and twenty-three thousand eight hundred dollars, and shall only be increased to the amount of the actual cost of such extensions of the mains, and of such additional works as may be necessary for supplying an additional consumption of gas. Said increase of stock may be made either by the capitalization of profits used in said extensions and additional works,

as provided in section four, or by sales of stock at auction at not less than par, if extensions or additional works are required sooner than can be paid for by the one per cent. of profits authorized by said section.

1876.

§ 20. The salaries of the officers of the company hereby incorporated shall not be increased above the salaries of the same officers of the existing company without the consent of the mayor and council of the city of Lexington; and if any new officers shall become necessary, the salaries of such officers shall be fixed by the concurrent consent of the president and directors of the company and of mayor and council of the city of Lexington.

Approved March 1, 1876.

CHAPTER 316.

AN ACT for the benefit of common school district No. 35, Rockcastle county.

WHEREAS, The school commissioner of Rockcastle county, through mistake, failed to report to the Superintendent of Public Instruction twenty-two children reported to him by the trustee of district No. 35, for the school year ending June 30th, 1875, by which the teacher of said district, David Proctor, failed to receive pay for the same, to which he was justly entitled; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty-two dollars and two cents be paid said David Proctor out of the interest due on the Rockcastle county bond for the school year ending June 30th, 1875, and the commissioner be authorized to draw his draft upon the Auditor for said amount, which, when countersigned by the Superintendent of Public Instruction, the Auditor shall issue his warrant upon the Treasury in favor of said David Proctor for said sum, to be paid from the aforestated fund.

§ 2. This act shall take effect from January 10th, 1877.

Approved March 1, 1876.

1876.

CHAPTER 317.

AN ACT to amend the charter of the city of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the collector of the city taxes for the city of Paducah, when the person owing the taxes has no personal property in the said city out of which he can collect the taxes, and he has reasonable cause to believe that another person is indebted to him, to proceed by attachment to collect the taxes in the same manner as is provided for the collection of revenue and county levy in sections one and two of article nine, chapter ninety-two, of the General Statutes. The notice therein provided for shall not prevent the payment to the person owing the taxes of any wages for services rendered or work done after the service thereof ; and the proceedings shall be docketed in the name of the city of Paducah.

§ 2. If there is no personal property out of which the collector can make the taxes due, and the same is not paid within three months after the same is due and payable, the collector may levy on any real estate in the said city belonging to or listed by such delinquent tax-payer, and sell so much thereof for cash as will pay the taxes due, his commissions, and legal costs, in the same manner as lands are sold under execution, except the land need not be valued ; and if no one will bid for and purchase the same at the price of taxes due, commissions, and costs, it shall be the duty of the mayor of the city to purchase the same for the city, bidding therefor the taxes due, commissions, and costs of sale. The owner of such real estate, his representatives, heirs, or assigns, shall have the right to redeem the same from the purchaser thereof at any time within two years from the day of sale, such redemption to be as is now provided in the charter of the said city as amended herein ; any minors, married women, or other persons laboring under disability, shall have two years after the removal of the disability in which to make such redemption.

§ 3. The collector shall give the purchaser a certificate of purchase, containing a description of the land, time of sale, quantity sold, the price for which it sold, the amount of taxes due thereon, and the year such taxes were due.

1876.

§ 4. The certificate referred to in section 3 shall be recorded and indexed by the county clerk in the book in which such certificates of sale of lands for revenue and county levy are now recorded; said certificate shall be recorded within twenty days after the sale.

§ 5. If the lands sold by the collector of Paducah for taxes due the city are not redeemed within the time provided herein, it shall be the duty of the collector, or his successor, to convey, by deed, the lands to the purchaser.

§ 6. The city of Paducah is hereby empowered and authorized to order, by resolution of the common council of the city, the lands bought by the city for taxes to be sold, and the mayor shall sell and convey the same, by deed, to the purchaser; the resolution of the council ordering the sale shall be recorded by the clerk of the county court with the mayor's deed. The city shall sell all lands bid in for taxes, and deeded to the city, within one year from the date of the deed, and the collector shall convey all such lands to the city within six months after the time for redemption has expired.

§ 7. The sale herein provided for by the mayor shall be made at public outcry to the highest bidder, for cash, at the court-house door in McCracken county, after being advertised in the same manner as is provided by law for the sale of real estate under execution.

§ 8. This act shall take effect from its passage.

Approved March 1, 1876.

CHAPTER 318.

AN ACT to empower the county court of Henry county to levy an ad valorem tax of fifteen cents on the \$100 of the assessed value of the property of said county, for the purpose of paying the indebtedness of the county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for the county court of Henry, at any term of said court that may be held after the passage of this act, to levy an ad valorem tax upon all the tax-payers of said county of fifteen cents upon each one hundred dollars of the assessed value of the property of said county, to be applied to the payment of the indebtedness of the county. *Ad-valorem tax.*

1876.

How collected.

§ 2. The tax herein provided for shall be collected by the sheriff of said county, and for so doing he shall be entitled to the same commissions now allowed him by law for collecting the revenue tax, and shall be responsible on his official bond for its collection and payment to the person who may be designated by said court to receive the same.

§ 3. This act to be in force from and after its passage, and continue in force for one year only.

Approved March 1, 1876.

CHAPTER 320.

AN ACT for the benefit of S. S. Johnson, late sheriff of Warren county.

WHEREAS, By judgment of the Warren circuit court, rendered February, 1873, three persons were tried and condemned in said court for larceny, and, on account of their tender age, the judge of said court ordered them carried to the House of Reform, at Anchorage, and S. S. Johnson, sheriff of Warren county, under said order, carried said three persons and delivered same in said House of Reform; and said S. S. Johnson, sheriff of Warren county, expended, in conveying said three persons to said House of Reform, one hundred and eighteen dollars and seventy-one cents, as shown by his and his guards' accounts, which are assigned, him properly proved and certified by the proper officers; and whereas, there is no law providing for the payment of said claim; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer, for the sum of one hundred and eighteen dollars and seventy-one cents, in favor of S. S. Johnson, late sheriff of Warren county; and that same be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 1, 1876.

CHAPTER 323.

1876.

AN ACT to consolidate the Louisville, Harrod's Creek, and Westport Railway Company with the Westport, Carrollton, and Covington Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Louisville, Harrod's Creek, and Westport Railway Company may be consolidated with the Westport, Carrollton, and Covington Railway Company, and by such consolidation make one company, which, when so formed, shall have all the rights, powers, privileges, and immunities named in the charters and amendments thereto of said companies, and be subject to all the liabilities, restrictions, and obligations recited in said charters and amendments thereto. Said consolidation shall be made by contract made by said companies with each other, and shall be recorded in the county court clerk's offices of the counties through which said railway passes. In said contract shall be fully recited the terms and conditions of said consolidation, and when said consolidation is completed, said consolidated company shall be called and known by the incorporate name of the "Louisville and Covington Narrow Gauge Railway Company."

§ 2. That the wages of laborers and employes doing work or service for said railroad shall have a priority of lien for the payment of the same on the rolling stock of said road and its earnings, every mortgage to the contrary notwithstanding.

§ 3. This act shall be in force from its passage.

Approved March 3, 1876.

CHAPTER 324.

AN ACT for the benefit of Richard H. Collins.

WHEREAS, Richard H. Collins claims that the Commonwealth ought to carry out the provisions of "An act directing the purchase of Collins' Historical Sketches of Kentucky," which was passed on the 20th day of March, 1871; and that he has been injured by the delay and refusal of officers of the State to comply with same, and is thus far without remedy of any kind; therefore,

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

May institute
suit in Franklin
circuit court,

§ 1. That it shall be lawful for said Richard H. Collins to institute a suit against the Commonwealth of Kentucky in the Franklin circuit court to have a judicial construction of said act, and to decide the liability of the State, if any, under said act, and to recover from the Commonwealth any and whatever damages he may have sustained, if any, by the refusal and delay, if any, to comply with said act.

§ 2. Process shall be served upon the Attorney General; and all the allegations of the petition shall be considered as controverted, and shall be established by proof.

§ 3. If the judgment of the circuit court shall be in favor of plaintiff, and no appeal be taken within the time required by law, or if an appeal be taken to the Court of Appeals, and the judgment be affirmed by said court, then plaintiff shall comply with the requirements of said act in every respect as set forth therein, if so adjudged by said court; or whatever said judgment shall be, if any, in favor of said plaintiff, the Auditor shall draw his warrant upon the Treasurer for the amount thereof, in installments, if so required, and the Treasurer is directed to pay same.

§ 4. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 325.

AN ACT to repeal several acts increasing the jurisdiction of quarterly and justices' courts in the county of Anderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act increasing the jurisdiction of justices of the peace in Crittenden, Caldwell, and other counties of this Commonwealth," which became a law without the Governor's signature February 13th, 1874; also an act, entitled "An act to increase the jurisdiction of quarterly courts in Hickman, Fulton, Graves, Calloway, Henderson, Union, Webster, Todd, McCracken, Owen, Gallatin, Logan, Boyd, Barren, Boone, Monroe, Metcalfe, Edmonson, Breckinridge, Wayne, Pulaski, Marshall, Cumberland, and other counties," approved February 17th, 1874, be, and both of said acts

are hereby, repealed, so far as they apply to the quarterly and justices' courts of Anderson county. 1876.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 326.

AN ACT for the benefit of W. P. Fox, jailer of Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury for the sum of fifty-one dollars, in favor of W. P. Fox, jailer of Knox county.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 327.

AN ACT to change the time of holding the February term of the Henderson quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the February term of the Henderson quarterly court be changed, so that the term holden on the first Monday in February, as now required by law, hereafter be held on the last Monday of January in each year.

§ 2. This act to take effect from its passage.

Approved March 3, 1876.

CHAPTER 328.

AN ACT for the benefit of Polly Davis, administratrix of R. P. Davis, late surveyor of Breathitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Polly Davis, administratrix of R. P. Davis, late of Breathitt county, have the further time of two years to

1876.

collect and have distrained for the uncollected fee-bills due said R. P. Davis as late surveyor of Breathitt county; she shall, however, in the collection of said fee-bills, be under the same liabilities as other officers in the collection of illegal fee-bills.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 329.

AN ACT for the benefit of Felix Gibson, of Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Felix Gibson, of Wayne county, for the sum of fifteen dollars and forty-five cents, as compensation to said Gibson for keeping and dieting Emily Gibson, a pauper lunatic, and the Treasurer shall pay the same out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 330.

AN ACT giving the police judge of Paradise, Muhlenburg county, concurrent jurisdiction with justices of the peace.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jurisdiction concurrent with justices of the peace

§ 1. That the police judge of the town of Paradise, in Muhlenburg county, shall have concurrent jurisdiction with justices of the peace for the trial of all civil cases, to be governed by the same laws, rules and regulations, governing the trial of civil cases before justices of the peace: *Provided*, That nothing in this act shall be construed to give the police judge power to hold courts for the trial of civil cases except in the same months that justices hold their courts, and only four such courts a year.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 331.

1876.

AN ACT to amend an act incorporating the Odd Fellows' Mutual Life Assurance Association, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George S. Moore, Columbus Chamberlain, W. H. Bartholomew, and William E. Craig, with their associates, successors, and assigns, be, and they are hereby, created a corporation and body-politic, with perpetual succession, by the name, style, and title of the "Odd Fellows' Mutual Aid Association of the State of Kentucky," for the purpose of organizing and conducting an association for the benefit of the widows and orphans, or assigns, of deceased members; and in that name are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this Commonwealth or elsewhere; and to make, have, and use a common seal, and the same to alter or exchange at pleasure.

§ 2. Said corporators may, at their convenience, open books for the enrollment of members; and shall prescribe the necessary qualifications of members; and establish the admission fee to be paid by each member, which shall not exceed twenty-five dollars; and an annual fee, which shall not exceed one dollar, for contingent expenses; and so soon as one hundred members are enrolled they shall proceed to organize the association by electing a board of seven directors, who shall be members of the association, and shall serve for the period of one year. Each member enrolled shall be entitled to one vote in the election of directors; and upon every succeeding twelve months from the day of the first election, the members shall proceed in like manner to elect a board of directors to serve during the ensuing twelve months.

§ 3. Each board of directors shall elect a president, secretary, and treasurer to serve during their term of office.

§ 4. The board of directors shall enact such by-laws, rules and regulations, as they may deem necessary for the government of the association; and shall have control and management of the funds and business of the association.

§ 5. The board of directors shall prescribe the mode and manner of collecting the fees from the enrolled members;

1876. and any member failing to pay said fee, within the time specified by the directors, shall cease to be a member of the association, and forfeit all right and privileges he may have possessed as such, until such additional fee is paid as the board of directors may prescribe; and all persons becoming members, after the association is organized, shall pay the admission fee at the time of enrolling their names.

§ 6. The fund accumulated from admission fees, and interest or dividends accruing therefrom, may be invested in stocks, bonds, or mortgages, subject only to the order or control of the board of directors.

§ 7. Upon the death of a member, the officers of the association, upon ascertaining that the member was not in arrears to the association, and was in good standing in the Lodge to which he may have belonged, shall make an assessment of not less than one dollar, nor more than two dollars, upon each and every member of the association, which shall be payable to the secretary, within thirty days thereafter, on penalty of forfeiting all rights and privileges in the association; and the aggregate amount of the assessments shall, at the end of thirty days, and within ten days thereafter, be paid to the widow and orphans of said deceased member; failing these, it shall be paid to the father and mother; failing these, to the brothers and sisters, or it may be paid in any manner which may have been prescribed in writing, and filed with the association, by the deceased member: *Provided*, That the widows and orphans shall be first entitled. No legal power or process whatever shall restrain the officers of this association from paying all amounts due the beneficiaries of deceased members to such beneficiaries or their legal representatives, and shall, in no case, be liable for debts due by such deceased member at the time of his death.

§ 8. No person shall be entitled to admission into this association except he be a member in good standing of some Lodge of the Independent Order of Odd Fellows, held in the State of Kentucky, in good health at the time of application, and not over sixty years of age.

§ 9. The business office of this association shall be in the city of Louisville, Jefferson county, State of Kentucky; and the board of directors may call a general meeting of the

members whenever, in their judgment, the interests of the association may require.

1876.

§ 10. No member shall in any way be responsible personally for any liability of the association; but the property of the association, as a corporation alone, shall be liable for all just claims against the corporation.

§ 11. If the board of directors choose, they may constitute agencies and branch offices anywhere in the State of Kentucky; and their object being merely to provide for the widows and orphans of Odd Fellows, therefore said association shall be exempt from the payment of municipal, county, or State taxation or license.

§ 12. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 332.

AN ACT to amend "An act establishing a new charter for the city of Louisville," approved March 3d, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful hereafter, and it is made the duty of the receiver of taxes to enforce the payment of any tax-bill listed with him for collection, and which shall be due and unpaid, by a levy upon, and a sale of, any real or personal estate in the city of Louisville belonging to the person, corporation, or company owing the tax-bill, or any real or personal estate in the city of Louisville in which such person, corporation, or company owing the tax-bill has an interest, or so much thereof as may be necessary to satisfy the tax-bill, the per centage and interest, if any, and cost of advertisement. All such sales shall be for cash in hand; and the power of the receiver of taxes to sell, as herein authorized, shall not be impaired by a conveyance or encumbrance, effected either by operation of law or contract of parties of any lot or lots, tract or tracts of land, after such lot or lots, tract or tracts of land, had been assessed for taxes; and all persons having an ownership of, or interest in, any real or personal estate at the time it is assessed for taxes by authority of the general council of the city of Louisville, or at the time such taxes are levied or due, and while such taxes are

Receiver of taxes may levy upon real or personal estate.

May sell same for cash.

1876. due and owing, are to be held and treated as tax debtors as to such real or personal estate.

Sales to be advertised.

§ 2. That before making any sale under the authority of this act, said receiver shall cause to be inserted, for five consecutive days, in the daily newspapers doing the city printing, the following notice: "Notice is hereby given that I will proceed to collect all unpaid tax-bills in my hands by a levy upon and sale of the real or personal estate of the tax debtors." And which notice is to be signed by the receiver of taxes. Thereafter such receiver shall proceed to levy all such unpaid tax-bills upon the real or personal estate of the respective tax debtors; and at least three days before making sale of any real or personal estate levied on under the authority of this act, said receiver shall give public notice, by one insertion, in a daily newspaper having a general circulation in said city, said paper having been theretofore ascertained to be the lowest bidder for the publication of the delinquent tax-list, of the time, place, terms of sale, and a description of the estate, real or personal, levied upon to be sold. All sales made by the receiver of taxes, under the authority of this act, shall be on Monday, between the hours of ten o'clock, A. M., and three o'clock, P. M., at the court-house door, in the city of Louisville, and of the estate, real or personal, levied upon, or so much thereof as may be necessary to satisfy the tax-bill, per centage, interest, if any, and cost of advertisement.

Time of sales.

Receiver must list with back-tax collector.

§ 3. Within one week after making sale of any real estate under the authority of this act, the receiver of taxes shall list with the back-tax collector, or any other agent or officer designated by ordinance, the tax-bill to enforce the payment of which such sale had been made; also a description of the real estate sold, and a statement of the amount of the sale, the date of the sale, the name of the tax debtor, and the name of the purchaser, according to the following form: "I, _____, receiver of taxes, do hereby certify, that on the _____ day of _____, 18____, between the hours prescribed by law, in pursuance of notice, I did sell to _____, for the sum of \$_____, certain real estate, to-wit: _____, levied on as the estate of _____, to satisfy tax-bill hereto attached. This the _____ day of _____, 18____. _____, receiver of taxes. The return of said receiver shall be *prima facie* evidence of the levy, of the truth of all the facts therein

stated, and of his compliance with the law, and of the regularity of all proceedings by such receiver in the levy, advertisement, notice, and sale. Thereupon such back-tax collector, or other agent or officer, shall cause to be entered, in book to be kept for that purpose, with the names of the tax debtors in alphabetical order, a memorandum of the return of the receiver according to the following tabulated form :

Must keep record

RECEIVER SALES OF REAL ESTATE.

Name of tax debtor.	Name of purchaser.	Descript'n of estate sold.	When sold.	Amount.	Remarks.
				\$ cts.	

And in case of loss or destruction of the return of said receiver, copies of such record, attested by the back-tax collector or other agent or officer, are hereby made evidence of like effect and import as the return of said receiver.

§ 4. All moneys collected by the said receiver at such sales, together with the cost thereof, he will pay into the city treasury at the same times and under like penalties that he is required to pay other moneys collected from taxes; and it is hereby made the duty of said receiver to report to the general council, once every month, a list of all real or personal estate purchased by the city of Louisville at sales made by said receiver under the authority of this act, and also the amount for which such sales were made. The sales of all personal estate by said receiver under the authority of this act shall be absolute; but the sales of real estate by said receiver under authority of this act shall be on condition that the tax debtor, or any creditor of such tax debtor, or any one claiming by, through, or under such tax debtor, may, within three years from the date of sale, redeem the same by paying to the purchaser, his representative or assign, the amount for which said real estate was sold by the receiver, with interest thereon at the rate of ten per cent. per annum from the date of such sale, and all other taxes and assessments paid by such purchaser, his representative or assign, after the date of such purchase, with interest thereon at the rate of ten per cent. per annum from the date of payment. The city of Louisville is empowered to purchase at the sales

Receiver to pay proceeds of sales into city treasury.
How and when.

Shall report to general council.

Sale of personal estate absolute

Real estate redeemable.

When and how.

1876.

The city may
purchase.

authorized under this act, but only in the event that no other will offer and pay the amount for which such real or personal estate is advertised to be sold; and the fact of the purchase by said city is made *prima facie* evidence that no other would offer and pay the amount for which such real or personal estate was advertised to be sold. At any time after three years from the date of the sale of any real estate, under authority of this act, by the receiver, the purchaser of such real estate other than the city of Louisville, if such real estate is not sooner redeemed, may demand from, and shall receipt on the memorandum-book to, the back-tax collector, or other agent or officer, and receive the tax bill and the return of the receiver evidencing his purchase; and it shall then be lawful for such purchaser to cause such tax-bill and certificate to be filed in the office of the clerk of the Louisville chancery court, together with a statement of the names of the tax debtor and all others interested in the real estate described in the certificate, and it shall be the duty of the clerk of said court to docket the same as an original suit, in the name of the purchaser as the plaintiff, and in the name of the tax debtor and others interested in such real estate as defendants, and like proceedings shall thereafter be had as in other actions in said court; and on the hearing of the action, unless it is made to appear in defense that the taxes for which such real estate had been sold by the receiver were paid before such sale, or that, within three years after such sale, the tax debtor, or any creditor of such tax debtor, or any one claiming by, through, or under such tax debtor, had tendered to the plaintiff the amount due him, and was by him refused, said defense being accompanied by a like tender in court, the plaintiff shall have judgment requiring the defendants to execute a deed within one year to the land; and in case of their failure so to do, or to redeem same in said one year, it is made the duty of the court at that time to cause a deed to be executed in the name of the defendants, by its commissioner, to the plaintiff, and to cause the plaintiff to be put into possession of such real estate. The tax-bill and certificate of the receiver will, *prima facie*, entitle the plaintiff to the relief in the Louisville chancery court authorized to be given under this act. When no defense is made, the proceedings in court shall be at the cost of the plaintiff. In all cases where the city of Louisville is the pur-

chaser of real estate sold by the receiver under the authority of this act, it is made the duty of the back-tax collector, or other agent or officer, in the name of the city of Louisville, to take like proceedings in the Louisville chancery court as other purchasers are authorized to take, and with like remedies and effect.

§ 5. The tax debtor, or any one claiming by, through, or under him, or any creditor of such tax debtor, may, within the time specified, redeem real estate sold by the receiver under the authority of this act, where the city of Louisville is a purchaser, by paying the amount due to the back-tax collector, or other agent or officer; and where any other person is a purchaser, by paying to such purchaser, his representative or assign, the amount due; and in case such purchaser, representative or assign, cannot be found by, or is unknown to, the tax debtor, or any one claiming by, through, or under him, then by furnishing to the clerk of the Louisville chancery court a written memorandum of the date of the sale, a description of the real estate sold, name of the purchaser, and name of the tax debtor, and by paying into court the amount due, together with the cost; and which money so deposited will be held and paid out by said court to the persons entitled thereto.

How real estate sold can be redeemed.

§ 6. For all taxes now due the city of Louisville, it shall be lawful for the back-tax collector, or other officer or agent to be designated by the general council of said city, in the name of the city of Louisville, to cause to be instituted in the Louisville chancery court suits for the collection thereof, and to prosecute the same to final judgment according to the rules and practice of said court: *Provided*, That under such judgment no title shall pass until four years after the date of the assessment, within which time the tax debtor, or any creditor of such tax debtor, may redeem said real estate.

Receiver may bring suit in Louisville chancery court.

§ 7. If by reason of any irregularity in the assessment or sale of real estate made by the receiver of taxes under the authority of this act, a purchaser is not entitled to conveyance of the real estate purchased by him, said purchaser shall nevertheless be entitled to have of the tax debtor the amount of the purchase money paid by him at the said receiver's sale, with interest thereon at the rate of ten per cent. per annum, and all subsequent taxes and assessments

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paid by him thereon, unless it is made to appear that the tax for which such real estate was sold was paid before sale to said receiver, and that such subsequent taxes and assessments were paid by the tax debtor before the same were paid by the purchaser; and such purchaser will have a lien on the lot purchased by him until his demand is satisfied and paid off. In all proceedings in court authorized under this act, unless defense is made, no personal judgment shall be rendered.

All tax bills due
1st July of each
year.

§ 8. All tax-bills shall become due on the 1st day of July of each year; and all tax-bills, or parts or balances of tax-bills, remaining due and unpaid for the period of three months, shall be increased two per cent.; four months, three per cent.; five months, four per cent.; and six months, five per cent.; and shall bear interest thereafter at the rate of ten per cent. per annum.

§ 9. In all suits instituted under the authority of the fourth section of this act, the city of Louisville will be entitled to a judgment *in rem* for the amount of taxes due, with interest thereon at six per cent. from the date due, and cost of advertising.

General council
may require
return of property
to be made.

§ 10. That the general council of the city of Louisville shall have power to require all persons owning any property subject to taxation under the charter and ordinances of the city of Louisville, to make return of same to the city assessor on printed forms, to be provided by the general council, including in such return all property, whether real or personal, and to require all such returns to be subscribed and sworn to.

§ 11. The city assessor, his deputy assessor, and clerks, shall each have power to administer oaths, and certify the same.

General council
may impose
fines.

§ 12. The general council shall have power to provide by ordinance imposing fines for enforcing the returns provided to be made in the first section hereof.

May construct
new work-house.

§ 13. The general council of said city shall have full power to appropriate the balance of the proceeds of the city bonds issued to pay the cost of the reconstruction of the public ways, now to the credit of said fund in the city treasury, towards the construction of a new work-house.

§ 14. The general council of said city shall have power annually to levy and cause to be collected a tax of not exceeding three cents on each one hundred dollars' worth of all

property, real, personal, or mixed, in said city, subject to taxation under the revenue laws of the State of Kentucky, for the purpose of building a new work-house: *Provided, however,* That this tax may only be levied for three years.

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§ 15. This act shall take effect from and after its passage.

Approved March 3, 1876.

CHAPTER 333.

AN ACT to incorporate the "Bank of Woodford," at Versailles, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. A. Berry, T. W. Twyman, Johnson Miller, S. H. Robertson, and E. K. Thornton, and their associates, successors, are hereby created a corporation, under the name of the "Bank of Woodford," and shall so continue until the 1st day of January, 1900; and by that name are made capable in law to acquire, hold, possess, use, occupy; and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; to sue and be sued, contract and be contracted with, answer and be answered, defend and be defended, in all courts and places whatever; may have and use a common seal, and alter and renew the same at pleasure; and to make, ordain, establish, and put in execution such by-laws as may be necessary for the government of said corporation, not contrary to law.

§ 2. The capital stock of said corporation shall not be less than twenty thousand dollars nor more than five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

§ 3. Any of the corporators above named may receive subscriptions to the capital stock; and when twenty thousand dollars has been paid in, may commence business.

§ 4. The property, business, and affairs of said bank shall be under the management of a board of directors, consisting of five persons, all of whom shall be stockholders in said company, and residents of this State, one of whom shall be elected

1876. president of the board. The first election of directors may take place after twenty thousand dollars has been subscribed and paid in; and on the first Monday of October thereafter there shall be an election of directors for the said bank by the stockholders thereof, who shall serve as such until the succeeding first Monday in October, and until their successors are elected and qualified. Notice of such election shall be given in a newspaper published in the town of Versailles, for at least ten days preceding said election; and all elections for directors of said bank shall be under the inspection of two or more stockholders, to be appointed by the board of directors; and the result of said elections shall be certified under the signatures of the persons holding them. A plurality of votes shall elect; and each stockholder shall be entitled to one vote for each share of stock of which he is owner, and registered on said bank's books, and may cast the same in person or by proxy, and the majority of stockholders so voting may be good for all purposes.

§ 5. A majority of the board of directors shall form a quorum for the transaction of business.

§ 6. Said bank may receive deposits of gold, silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding the lawful rate of interest of this State, as may be agreed upon with the depositor, by special or general contract; may deal in exchange, bonds, stocks, promissory notes, and other evidences of debt; loan money and take personal and other securities for the payment of any loan or indebtedness; may receive promissory notes by assignment, United States vouchers, warehouse receipts, bills of lading, mortgages on unencumbered real estate, worth at least double the amount secured thereby, bonds and stocks, in pledge for the security of money loaned, and sell the same on the non-payment of the debt or demand, according to the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871.

§ 7. The Legislature of Kentucky may examine, by committee, the affairs of said bank; and may alter or repeal this act at pleasure.

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§ 8. The board of directors of said bank shall have power to appoint and employ such officers, agents, and servants, as they may deem necessary to conduct the business of the bank, pay them such wages and salaries, and take from them such bonds to secure the faithful performance of their respective duties, as they may think proper and reasonable. The stock shall be deemed personal property, and shall be assignable, according to such rules and regulations as the board of directors shall, from time to time, establish.

§ 9. The cashier shall, on the first days of January and July, in each year, make and publish, under oath, a statement making a full exhibit of the condition of said bank.

§ 10. The meeting of stockholders for the election of directors shall be held at the banking-house of said corporation, between the hours of 10 A. M. and 12 M., on the first Monday in October of each year. A meeting of stockholders may be called by the board of directors at any time.

§ 11. All officers of said bank shall hold their positions during the pleasure of the board of directors; and said board may declare vacant the place of any director for gross neglect of duty. Vacancies in the board may be filled by those remaining in office.

§ 12. The place of business of said corporation shall be in the town of Versailles.

§ 13. This act to take effect from its passage.

Approved March 3, 1876.

CHAPTER 334.

AN ACT to authorize McCracken county to levy a tax for county expenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the court of claims of McCracken county, by a vote of a majority of all the justices of the peace of the county, at the regular term of the court in each year, to levy a tax not exceeding five cents on each one hundred dollars' worth of property in said county, for the purpose of defraying the ordinary current expenses of the county. Said tax shall be levied on such property as is now subject to taxation to pay the interest on the bonds issued by the county to the New Orleans and Ohio Railroad Company.

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§ 2. It shall be the duty of the court of claims, at the term at which the levy is made, to appoint some suitable person to collect said tax; and if the said court fails to appoint a collector at the time herein designated, the county judge may appoint one. If the person appointed by the court fails to execute bond, the county judge may appoint a collector.

§ 3. The collector, before he proceeds to collect said tax, shall execute a bond, to be approved by the county judge, payable to the county of McCracken, with two or more sufficient sureties, whose aggregate estate subject to execution, after the payment of all of their debts and liabilities, shall be equal to double the amount of the whole tax to be collected. The said bond shall be conditioned to well and truly collect, account for, and pay over to the person entitled to receive the same, the said tax, and that he will, when called on by the county court, settle his accounts; the collector shall take an oath to faithfully discharge the duties of his office according to law.

§ 4. The collector shall pay into the treasury of the county the tax as soon as collected; but one fourth thereof shall be paid into the treasury within three months from the time he receives the tax-book; one fourth within six months, and the whole amount thereof within one year from the time of receiving the tax-books; and upon his failing to pay over the said tax to the treasurer as herein provided, the said treasurer shall cause suit to be brought on his bond.

§ 5. The collector shall have authority to levy on and sell property, and to proceed in collecting the tax as is now conferred on the collector of the tax for the payment of interest on the New Orleans and Ohio Railroad bonds issued by said county.

§ 6. The court of claims shall fix the compensation of the collector, which shall not exceed eight per cent. of the amount collected.

§ 7. The county judge may cause omitted property to be listed, and allow the delinquent list.

§ 8. This act shall be in force from its passage.

Approved March 3, 1876.

CHAPTER 335.

1876.

AN ACT to incorporate the Forest Retreat and Panther Creek Turnpike Road, in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the Forest Retreat and Panther Creek Turnpike Road Company, for the purpose of making an artificial road from a point on the Maysville, Washington, Paris, and Lexington Turnpike Road, near _____, known as Forest Retreat, along the most practicable route, to the mouth of Panther creek, on Licking river, in Nicholas county.

§ 2. That the capital stock of said company shall be ten thousand dollars, divided into shares of fifty dollars each.

§ 3. Books shall be opened at convenient places for the subscription of stock in said company, under the direction of Simon Kenton, Joseph Taylor, Wm. Brown, David Mann, Milton Mann, Alexander Bishop, and C. W. Robbins, any one of whom may procure a book in which the subscribers of stock to said company shall enter into the following obligation: We, whose names are hereto subscribed, do respectively promise to pay to the Forest Retreat and Panther Creek Turnpike Road Company the sum of fifty dollars for each and every share of stock in said company set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company.

§ 4. The book or books shall be opened as soon as said commissioners may think proper, and remain open until enough stock has been secured or subscribed to insure the completion of the road.

§ 5. As soon as a sufficient amount of stock has been subscribed or secured to build one half of said road, it shall be the duty of the commissioners, or some one of them, to give notice of a meeting of the stockholders of said company, at some convenient point, for the purpose of choosing officers, which shall be given by notices posted up at three of the most public places on the line of said contemplated road, for at least ten days previous to the meeting; and at said meeting at least two of the commissioners must be present and superintend the election. There shall be elected a president

1876. and five directors, who shall hold their office one year from the day of their election, and until their successors are duly elected and qualified; the said directors shall elect a treasurer and such other officers as they may deem necessary; and said treasurer, before entering upon his duties, shall execute bond, with good security, to be approved by the directory, to the effect that he will faithfully perform the duties of his said office; whenever a demand shall be made of him by the directory, in writing, signed by the president or their authorized agent, he shall pay over any and all sums of money that may be in his hands as such treasurer.

§ 6. The stockholders at all elections shall be entitled to one vote for each share of stock in said company, which vote or votes may be given in person or by proxy in writing.

§ 7. It shall be lawful for the president and directors, with their superintendent, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, with their beasts of draught or burthen, to enter upon the lands in and over, contiguous and near to, which said road shall pass, having first given notice of their intention to the owners or occupants thereof, or their agents: *Provided*, That if the president and directors of said road shall not agree with the owners of said land over or through which said road shall pass, as to the damages the owner or owners may sustain by reason of said road passing through his or their lands, the president and directors shall apply to the county court of the county in which the road is to be located, and in which the lands sought to be obtained are situated, for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner or owners of said land; and upon the payment or tender of the damages thus assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing said road, after paying the owner the full value of the same: *Provided*, Said land shall not be condemned for a road not more than fifty feet wide.

§ 8. The president and directors shall severally take an oath faithfully to discharge the duties of their respective offices.

§ 9. The grade of said road shall not exceed four degrees, and the stone or gravel shall not be less than nine inches deep; the width of the road-bed, outside of the metal on the

same, shall be left to the discretion of the directory of said road.

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§ 10. That the president and directors of said road shall be authorized to erect toll-gates on said turnpike road when the same is completed and examined by three justices of the peace in no way interested in the road, and who shall be appointed by the judge of the county court of Nicholas county, who, with the aid of some competent person as engineer, shall view the road, and report its quality and condition to the county court. The justices and engineer shall be paid each, by the company, one dollar per mile for every mile so examined upon hearing the said report, and any exceptions or proof that may be made in relation thereto; and upon its appearing that the said road has been constructed according to law, and as directed herein, the Court shall make an order authorizing of a gate or gates, and the collection of tolls in pursuance of the votes established by law.

§ 11. That the president and directors shall have power to let out said road to contractors on such terms, and in such portions, as they may deem beneficial to the interest of said company.

§ 12. That the said company may sue and be sued, plead and be impleaded, contract and be contracted with, and in all litigations shall be dealt with as a natural person.

§ 13. That any of the stockholders in said road company failing to pay their calls when due, shall be subject to suit in any of the courts of this Commonwealth having jurisdiction of the matter or amount in controversy; they shall likewise pay interest at the rate of six per cent. per annum thereon until paid.

§ 14. It shall be the duty of the president and directors to keep a record of their proceedings in a well-bound book, and the same shall be open for inspection by the stockholders in said road at all times.

§ 15. That the court of claims of Nicholas county be, and the same is hereby, authorized and empowered to levy an ad valorem tax of not to exceed fifteen hundred dollars to the mile, for the construction of said road; to be levied on the property in said county, and collected as the remainder of the county levy is collected.

1876. § 16. This act shall take effect and be in force after its passage.

Approved March 3, 1876.

CHAPTER 336.

AN ACT to incorporate Union Benevolent Association, of Versailles, Kentucky.

WHEREAS, A society, composed of colored persons, exists in the town of Versailles, Kentucky, known as Union Benevolent Society, No. 1, of Versailles, Kentucky, whose object, as set forth in the constitution and by-laws of said society, is charity and the mutual relief of its members; and whereas, said society has existed for a number of years, with a regular constitution and by-laws to govern the organization, and regularly constituted and elected officers, and desires a more permanent organization; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present organized society of Versailles, Kentucky, which has for the current year of eighteen hundred and seventy-five, for its president, Henry C. Brown; vice president, Henry Jackson; recording secretary, H. P. Masen; and treasurer, Nelson Hicks; and known as the Benevolent Society, No. 1, of Versailles, Kentucky, be, and the same is hereby, created a body-politic and corporate in law, under the name and style of "The Benevolent Society, No. 1, of Versailles, Kentucky," with power under that name to plead and be impleaded, to sue and be sued, to contract and be contracted with, to have and use a common seal, and to alter and change the same, and to have all such rights and powers as may be necessary to effect the purposes of this act.

§ 2. The said society shall have power to acquire by purchase, gift, grant, or devise, a house and lot, not exceeding four thousand dollars in value, in the town of Versailles, Kentucky, and hold the same for its use, which shall be exempt from taxation by the State, county, or town, and may sell and convey the same.

§ 3. The said society shall have power to hold, by purchase, gift, grant, or devise, any quantity of land in the county of Woodford not exceeding ten acres, and may receive a con-

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veyance therefor, with such covenants as they may think proper ; the land and appurtenance, when conveyed, shall be held solely and exclusively for a cemetery, and ornamental grounds connected therewith ; and shall never be used in any manner, inconsistent with this act, for any purpose than burial lots as hereinafter prescribed. Said grounds, fixtures, and shrubbery, and everything growing therein, shall be forever exempt from taxation, and from execution, and from levy and sale, on account of judgment or decree, for any debt or demand whatever. No road, passway, or street shall be opened through the grounds, unless by the consent of the society. The society may receive, by devise, bequest, gift, or donation, any legacies, gifts, or donations to them, to be used and appropriated only in ornamenting, improving, and taking care of said cemetery ; and may lend out or invest any spare or surplus funds the society may have in such manner as the society may deem best, but shall never exercise banking powers.

§ 4. The proceeds of sales of lots, and all moneys coming to the corporation from any source, shall be first applied to the payment of purchase money, and shall afterwards, in all time to come, be applied to the care, improvement, and ornamenting of the burial grounds, the repair or improvement of the lodge-room or other real estate, and the charitable purposes of the society, and the expenses of same.

§ 5. When a burial lot is purchased, the said society shall give a certificate thereof, signed by the president of the society, and countersigned by the secretary of the society, and under the seal of the corporation, which certificate shall vest the purchaser with title. This title shall be transferable according to such rules and regulations as may be prescribed by the society by the by-laws thereof, but in no other manner, and shall descend and pass by devise as other real estate. Such lots shall never be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the society.

§ 6. The society shall keep a record of their sales and transfers of lots, and the disbursement of the proceeds of sales, and shall always preserve an accurate map of the grounds and lots, and shall have the same recorded in the clerk's office of the Woodford county court.

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§ 7. The society shall have power to lay off and ornament any grounds now belonging to them, or hereafter acquired by them, and may, from time to time, alter and repair the same, and generally shall have charge of and direct all improvements or changes in said grounds; they shall have power to lay off, sell, and convey burial lots, either at public or private sale; to make by-laws and regulations for the management of the cemetery grounds, graves, and inclosures, and the mode of ornamenting the same, and regulate the mode in which bodies shall be interred; and may adopt and make such constitution and by-laws as may be necessary for the government of the society and for the accomplishment of its charitable aims, but not inconsistent with the Constitution and laws of this State and of the United States. The trustees of any property now owned by the society may, at any time, be changed at the instance of the society. The society shall have power to appoint, from time to time, such superintendent or sexton and officers as they may deem necessary, and prescribe their duties, fix their pay, and take such bond as may be required of them.

§ 8. If any person shall maliciously and forcibly, and without lawful authority, violate any of the graves of the dead, or any vault which may be erected on the grounds of the society, or willfully deface any of the tomb-stones, monuments, or inclosures, or willfully injure any of the shrubbery, fixtures, or buildings, or in any manner damage the grounds of the society, such person or persons so offending, besides being liable to an indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action of trespass, and the damages shall be applied to restore, as far as possible, any injury that has been done, and any balance to the general uses of the society.

§ 9. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 337.

1876.

AN ACT to incorporate Green River Iron and Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Geo. Ainslie, A. P. Cochran, Dennis Long, James Bridgeford, John T. Moore, L. M. Paine, A. V. Dupont, Wm. F. Barret, Thomas Rankin, George Paine, B. C. Davidson, and Chas. Yager, are hereby created a body-politic and corporate, under the name of the Green River Iron and Coal Company; and by that name have power and authority to contract and be contracted with, to sue and be sued, to plead and be impleaded; to have a common seal, and alter same at pleasure. They shall have the right to purchase, hold, lease, and work any lands deemed useful or necessary for the prosecution of its business; also to acquire such real or personal estate as is useful or requisite for the same; and it may at any time sell, exchange, mortgage, or convey said estate, or any portion thereof, and purchase other. Said company shall have full power and authority to build and operate railways to carry their product to market, and to acquire, by purchase or lease, the capital stock, or the property, rights, and franchises of any company, whose lines of railway pass over, through, or adjacent to such mining lands as it may own or acquire; may contract to carry freights and passengers over lines owned or controlled by it; shall have power to erect and maintain all needed elevators, sheds, depots, floats, and boats; to buy, sell, and mine iron and coal, or other mineral substances; may carry on milling and manufacturing, and dispose of the products; may transport its products and property by river navigation, and connect its lines of railway with other lines of railway or lines of river navigation; and own or acquire the needed boats for that purpose; and that the principal places of operating and carrying on its business will be on Green river, at the crossing of the Louisville, Paducah, and Southwestern Railroad, in Muhlenburg county, and in the city of Louisville, Kentucky.

§ 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each; but may commence business when thirty thousand dollars shall be subscribed as stock, with the privilege of increasing the same to meet the needs of its business,

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by a vote of its stockholders; but to make said increase a majority of the stock shall be voted therefor. The said stock to be divided into shares of one hundred dollars each, to be paid in upon calls, in such way, and at such times and places, as ordered by the board of directors.

§ 3. The business and affairs of said corporation shall be managed by a president and board of directors. The directors shall be chosen annually by the stockholders on the first Tuesday in April of each year, who shall continue in office until their successors are duly elected and qualified. The president shall be chosen from the directors, and no one shall be qualified as president or director unless he is an owner of stock in said company. In said elections a majority of the stock voting shall control, and the vote may be cast in person or by proxy. There shall be five directors chosen at the first annual election, and the number may afterwards be increased to seven by the by-laws of said corporation.

§ 4. The said board of directors may have power to appoint and dismiss any officer or agent at their pleasure in the conduct of the business of said corporation, and may require of said agents or officers bonds, with security, for a faithful discharge of duty, and to account for all money or property which may come to the possession or under the control of said agent or officer, belonging to said corporation.

§ 5. Said president and directors shall have full power to make such by-laws, rules and regulations, for the conduct of its affairs, as they shall deem fit, and for regulating and controlling its officers and agents, not in conflict with the Constitution of the United States or the Constitution and laws of the State of Kentucky.

§ 6. That by a vote of a majority of the stock, the said corporation may have the right to borrow money to the amount of one half of the capital stock paid in, and issue the bonds of said company or corporation in such sums, and payable at such times and places as may be agreed; and for the security and payment of said bonds, may mortgage any or all of said property of said corporation to the party or corporation from whom said money is borrowed, or to any other person; and said bonds may be made to draw interest at any rate not to exceed ten per cent. per annum, if so agreed, and the same shall be valid in law.

1876.

§ 7. Said company may contract with its employes and tenants occupying its real estate, or any portion thereof, that leaving the service of the company, or being discharged therefrom, shall terminate such tenantry of such tenant; and such contracts shall be deemed lawful, and may be enforced by writ of forcible detainer, after ten days' notice to quit.

§ 8. That until the first annual election herein provided for, the corporators herein named shall hereby be constituted the directors of said corporation, and shall hold their office until their successors are duly elected and qualified. And twenty days' notice of each annual election shall be given by publication in one of the daily newspapers published in the city of Louisville, Kentucky; and said election shall be held at the principal office of the company in Louisville, Kentucky.

§ 9. *Be it further enacted*, That any three or more of the incorporators may, at any time or place, open books and take subscriptions of stock to said corporation.

§ 10. *Be it further enacted*, That this act shall take effect and be in force from and after the date of its passage.

Approved March 3, 1876.

CHAPTER 338.

AN ACT for the benefit of colored common schools in Trimble county.

WHEREAS, Maria F. Carter, a colored school teacher, was employed to teach a colored school in the county of Trimble for the term of three months during the scholastic year ending June 30th, 1874; and whereas, although properly appointed trustees took the census of colored pupil children in said county, and legally reported it to the commissioner, who neglected to report it to the Superintendent of Public Instruction as required by law; and whereas, in consequence of said neglect, no part of the colored school fund was apportioned Trimble county for said year; and whereas, said Maria F. Carter was duly and legally employed to teach said school in ignorance of the neglect of those intrusted with the making of the proper official report, and in good faith and acceptance taught said school, receiving nothing for her services; therefore,

1876. *Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the sum of fifty-one dollars and fifty cents be, and are hereby, appropriated to the payment of said Maria F. Carter (that sum being that to which the courts reporting as one district would have been justly entitled), to be paid out of the distributable share of Trimble county in the colored common school fund for the year ending June 30th, 1877; and the Superintendent of Public Instruction is hereby authorized to withhold said sum from the apportionment of that year and distribute the remainder due Trimble county as now provided.

§ 2. That the commissioner shall draw his draft on the Auditor for said sum in favor of said Maria F. Carter, which, when countersigned by the Superintendent of Public Instruction, shall entitle her to a warrant on the Treasury for the same, to be paid when the school moneys apportioned for said year are due.

§ 3. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 339.

AN ACT to authorize the voters of Mayfield to vote upon the question of prohibiting the sale of spirituous liquors, &c., in said city.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an election shall be held in the city of Mayfield on the first Saturday in June, 1876, provided a written petition, signed by at least twenty legal voters of said town, shall have been filed with the county judge of Graves county, at least thirty days previous to day of election, and a deposit made of money sufficient to defray all expenses of said election, and advertisement thereof; and it shall thereupon be the duty of the county judge to appoint the officers to hold said election, the sheriff of Graves county to set as sheriff of said election; and said sheriff shall advertise the time and place of election in both newspapers published in said town for the three weeks previous thereto, and by printed posters in at least five public places in said town for twenty-one days

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previous thereto, at which election all qualified voters residing within the corporate limits of said city, who have paid all taxes, fines, and forfeitures due said city, shall be entitled to vote; and a poll shall be open for and against the repeal of an act, entitled "An act to authorize the voters of the city of Mayfield to vote upon the question as to whether spirituous, malt, or vinous liquors shall be sold within the corporate limits of said city, or within one mile thereof," approved December 15th, 1873. If a majority of votes cast at said election shall be for the repeal, then said act approved December 15th, 1873, shall be null and void, otherwise to remain in full force and effect.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 340.

AN ACT to amend an act, entitled "An act to amend an act to incorporate the Louisville Orphans' Home Society," approved March 10th, 1870, so as to authorize the Presbyterian Orphans' Home Society, of Louisville, to borrow money, and execute a mortgage therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Presbyterian Orphans' Home Society, of Louisville, a corporation created by this General Assembly by an act, entitled "An act to amend an act, entitled 'An act to amend an act to incorporate the Louisville Orphans' Home Society,'" approved March 10th, 1870, be, and the same is hereby, amended as follows: Said Presbyterian Orphans' Home Society, of Louisville, for the purpose of improving its real estate and enlarging its buildings, may, and it is hereby authorized and empowered, the board of managers of said society therein concurring, by resolution of the board adopted at any regular or called meeting, and entered upon the minutes of the society, to borrow a sum, not to exceed ten thousand dollars, at such rate of interest, not to exceed nine (9) per cent. per annum, payable semi-annually, and for such length of time as may be agreed on, and to make, execute, and deliver a mortgage upon its real estate to secure such principal, loan, and the interest thereof. Such mortgage may be executed, acknowledged, and delivered

1876. by the president or chief officer, and secretary of said board of managers, after a resolution to that effect shall have been adopted by the board as aforesaid.

§ 2. This act shall be in force from its passage.

Approved March 3, 1876.

CHAPTER 341.

AN ACT to incorporate the Pendleton County Mutual Aid Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That T. S. Kavanaugh, W. H. Roberts, Jas. W. Channing, John B. Applegate, George R. Rule, C. A. Robbins, T. G. Hall, C. Koch, and A. R. Clarke, and their successors, be, and they are hereby, created a body-corporate, under the name of the Pendleton County Mutual Aid Association, to have perpetual succession, with the right to obtain and hold so much real and personal property as may be necessary to enable them to carry on their business; and to make and retain their capital stock to the amount of ten thousand dollars, with the power to confer charities as herein provided, or as the company may determine; and may make contracts that shall be binding, sue and be sued, and transact all business in its corporate name for its corporate purposes; and to use a common seal, renewable and changeable at pleasure; and may make by-laws for its government, not inconsistent with the purposes of the corporation and the laws of the land.

Corporators. Capital stock. Corporate powers. Common seal.

§ 2. The persons named herein, or a majority of them, may constitute a board to do business, and may proceed, at pleasure, to organize fully and receive members of sound, healthy persons under sixty years of age, citizens of Pendleton county, and acceptable to the board.

When to commence business.

§ 3. Each, on becoming a member of said corporation, shall pay into its treasury, according to his age, as follows, to-wit: From twenty-one to thirty years, five dollars; from thirty to forty years, eight dollars; from forty to fifty-five years, ten dollars; from fifty-five to sixty, fifteen dollars; which amounts, when received into the treasury of the [association], to become a permanent fund of the association, which, with the other qualifications prescribed, shall entitle

Members and their assessment.

him to membership; but he may be expelled for any disgraceful or immoral conduct, or violation of such by-laws as may not be inconsistent with this charter. . . . 1876.
May be expelled.

§ 4. The office of the association shall be at Falmouth in said county, and the organization shall there take place by the election of nine directors, each member having one vote; and they, or a majority of them, shall elect from their body, or from members of the association, a president, secretary, and treasurer, who shall hold office until the first Monday in January next after said election, and until their successors are elected and installed, and subsequent elections of said officers shall take place on the first Monday in January of every year; but should no election be held at that time, or in case of vacancy in office, an election may be held at any time to fill any of said offices, on thirty days' notice of the time and place thereof being given by publication in some newspaper in said county. . . .
Place of business
Election of officers.
Term of office.
Vacancy—how filled.

§ 5. Should any or all of said offices become vacant, and remain so for one year, or should no election be held within one year after the regular term of service shall have expired, any nine of the members of the association in good standing may organize as in the beginning, after giving notice as required in the fourth section of this act.

§ 6. The board may fix the compensation of its secretary; all other officers shall serve without compensation. It shall prescribe the duties of its officers, and the amount and condition of such bonds as they are required to execute. . . .
Compensation of officers.

§ 7. A majority of the directors, with the president, or six without him, shall constitute a quorum to transact business; and in the latter case may select from their number a president *pro tem*. . . .
Quorum.

§ 8. A full record of all the proceedings of the company shall be kept, subject to inspection at all times by its members and others interested. . . .
Record to be kept.

§ 9. The number of members may be increased to, and retained at, two hundred; and the permanent fund provided for in section three may be invested in such property as the association, by its board of directors, may direct; but shall not be loaned to any member of the company. . . .
Number of members may be increased.

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Fund assessed
on death of a
member.

How to be used.

§ 10. In addition to the permanent fund, upon notification of the death of a member, each surviving member shall pay into the treasury eleven dollars, ten dollars of which, from each member, to constitute a fund for the benefit of the widow and children of the deceased member, and the balance to defray the expenses of the association.

§ 11. The fund created in section ten for the benefit of the widow and children of the deceased member shall be paid to them by said association within ninety days after proof of the death is received by the secretary, or to their trustees or guardians, in the discretion of the association, subject, however, to be appropriated to their benefit according to will of the deceased member; or if he should leave no widow or child, then to be appropriated according to his will; or if he makes no will and leaves no widow or child, it shall vest and remain in said association, and be added to its capital stock, or appropriated as they may deem expedient.

Stock and in-
terest not liable
for debt.

§ 12. No part of the stock or interest which any member of his widow or children may have in said institution shall be subject to any debt, liability, or legal or equitable process against him or any of them.

Certificates—
how issued.

§ 13. Upon the payment of the fee named in the third section of this act, the association shall cause a certificate of membership to be given to the member paying it, upon the plan of a mutual life insurance policy, with stipulations according to the terms of this charter and such by-laws as they may make and publish not inconsistent herewith.

Report to be
published annu-
ally.

§ 14. The association shall cause a full report of its condition and work, annually, at the close of each term of office, to be subject to the inspection of the members, and shall have the same published in some paper of the county.

§ 15. The by-laws may regulate the time of regular and called meetings of the board, the rules, manner, and form of voting, and the transaction of all other business not inconsistent with this act; and may prescribe the rules and principles by which the association may try and expel a member, adjudicate upon his rights, duties, and forfeitures as a member of the association.

Members not
personally liable.

§ 16. No member shall in any way be personally liable for any debt or obligation of the association; but the property of the association, as a corporation, alone shall be liable for all just claims against the corporation.

§ 17. Applications for membership in said association shall be accompanied with the membership fee and one dollar additional for a policy fee.

1876.

Application for membership.

§ 18. When the membership of said association shall reach fifty, the board of directors shall have power to increase the membership fee twenty-five per cent.; and when it reaches one hundred members, they may increase the membership fee fifty or one hundred per cent.

Fee may be increased.

§ 19. *Be it further enacted*, That said association shall not be liable to pay a license, or to deposit one hundred thousand dollars with the Commissioner of Insurance, as provided by the general insurance laws of this State, nor be subject to any tax or assessment as provided thereby.

No deposit to be made with Insurance Commissioner.

§ 20. This act to take effect from its passage.

Approved March 3, 1876.

CHAPTER 342.

AN ACT to amend an act, entitled "An act to incorporate the Minett Orphans' Asylum, of the city of Louisville," approved April 21, 1873.

WHEREAS, The property, consisting of certain real estate in the city of Louisville, devised by the will of Julius C. Minett to the rectors and church wardens of the several Protestant Episcopal Churches in the city of Louisville, and to the bishop of said church, for the purpose of building an orphan asylum thereon, is so located in said city as to be unsuitable for the purpose aforesaid; and whereas, a sale of said real estate, and a reinvestment of the proceeds thereof, is deemed expedient and necessary to enable the board of directors of said orphan asylum to carry out the benevolent purpose of the testator, the said Julius C. Minett; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the directors of said orphan asylum be, and they are hereby, authorized to sell the said estate on the best terms to be had, and to reinvest the proceeds in other lands in the city of Louisville, to be held on the same trusts and conditions as prescribed in said will.

§ 2. When said sale is effected, it shall be competent for said board of directors of said orphan asylum to authorize the executive committee of said board to convey the same to the purchaser by deed with general warranty.

1876. § 3. When the proceeds of the sale are reinvested in lands in said city, as herein provided, the title to the same shall be taken to, and vested in, the Minett Orphan Asylum, of the city of Louisville; and said asylum shall be built upon the same, and dedicated to the uses and trusts, and upon the conditions prescribed in the will of said Julius C. Minett.

Approved March 3, 1876.

CHAPTER 343.

AN ACT to incorporate the Patrons' Co-operative Association of Simpson county.'

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

- Trustees. § 1. That M. M. Sloss, W. B. Horn, James M. Hobdy, R. M. Steele, and G. B. McKonzie, and their successors in office, are hereby constituted a board of trustees to manage the business
- Powers. of said association; and are created a body-politic; and may sue or be sued, plead or be impleaded, as other persons or corporations in this Commonwealth are, in the name of the association.

- Officers—how elected. § 2. That the various officers of the said association shall be elected annually, in any manner that may be provided for in the constitution and by-laws of the association.

- Capital stock. § 3. That the capital stock of said association shall not exceed thirty thousand dollars, in shares of ten dollars each.

§ 4. That the association shall have power to determine when a sufficient amount of money has been paid to enable it to commence business.

§ 5. That the association shall have power to do a general commission business; and to market and sell all products placed in its possession for that purpose; and to purchase and sell all the needed supplies for the farm or household, and seeds and agricultural implements and machinery.

- Place of business. § 6. That the place of business shall be Franklin, Kentucky; and the business shall be commenced when the association shall direct, and continue until closed by order of the association.

- Private property of members not liable. § 7. That the private property of the officers and stockholders of this association shall not be liable for debts created or damages incurred by this association.

§ 8. That this act shall take effect and be in force from its passage.

1876.

Approved March 3, 1876.

CHAPTER 344.

AN ACT for the benefit of S. H. Cassidy, of Crittenden county.

WHEREAS, It appears from record that a certain store-house in the town of Dycusburg, Crittenden county, Kentucky, was owned in 1872 by W. E. Dycus & Co., and that before the 10th of January, 1873, was sold to J. H. Clifton & Co., and was, by the said J. H. Clifton & Co., listed for taxation in 1873; and that an erroneous assessment was also made for the year 1873 of the same property against W. E. Dycus & Co., and taxes to the amount of fifteen dollars and eighty-five cents was unjustly collected on said assessment from W. E. Dycus & Co.; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is hereby instructed to draw his warrant on the Treasurer, in favor of S. H. Cassidy, the surviving partner of the late firm of W. E. Dycus & Co., for fifteen dollars and eighty-five cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 345.

AN ACT for the benefit of Geo. F. Green, of Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George F. Green, of the county of Bath, be, and he is hereby, allowed the sum of twenty dollars and eighty-four cents (\$20 84), the amount of his account for conveying Bill Alexander, a pauper lunatic, from the town of Owingsville, Bath county, to the Eastern Lunatic Asylum, at Lexington, Kentucky, in March, 1875.

1876. § 2. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer for that amount in favor of said Green.

§ 3. This act shall be in force from its passage.

Approved March 3, 1876.

CHAPTER 346.

AN ACT for the benefit of B. D. Nixon, jailer of Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer, in favor of B. D. Nixon, jailer of Bath county, for the sum of twenty-five dollars, payable out of any money in the Treasury of the State not otherwise appropriated.

§ 2. That this act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 347.

AN ACT to change the time of electing trustees, &c., of the town of Barboursville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the election of trustees, marshal, and police judge of the town of Barboursville, Knox county, shall be held on the third Saturday of December in each year, instead of the third Saturday in February, as now required by law.

§ 2. This act to take effect ninety days after its passage.

Approved March 3, 1876.

CHAPTER 348.

AN ACT to legalize certain orders and proceedings of the Larue county court.

WHEREAS, At the October term of the Larue county court, 1875 (the presiding judge and majority of the justices sitting), it was ordered by the court that an ad valorem tax of twenty

cents on the one hundred dollars' worth of property in the county be levied to pay for the putting in of iron cages in the county jail, and to pay other indebtedness, and for other purposes of the county; now, therefore,

1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of the acts, orders, and proceedings of the Larue county court made at its October term, 1875, for the purpose of levying a tax on the property of the county to pay for the putting in of iron cages in the county jail, and for paying other indebtedness of the county, be, and the same are hereby, legalized and declared valid.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1876.

CHAPTER 349.

AN ACT to amend the charter of the town of Campbellsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the jurisdiction in civil matters already conferred upon the police judge of said town, the same is hereby increased to be concurrent with the circuit and quarterly courts of Taylor county, in all actions for the recovery of money or personal property, when the amount in controversy, exclusive of interest and costs, exceeds fifty dollars and does not exceed one hundred dollars in value.

§ 2. That the law governing the election of special judge of a circuit court shall, as to the cause therefor and mode of election, apply to the election of a special judge of the police court of said town, which election shall be held by the judge in the capacity of clerk of said court.

§ 3. That all appeals from this court, both in civil and criminal cases, shall be taken direct to the circuit court of said county, in the same manner and for the same amounts that are now provided by law for taking appeals from the quarterly court.

§ 4. That all persons fined by said court for misdemeanors committed in said town, and failing to pay the same, together

1876. with the costs in the case, shall be required, by an order of said court, to work out the same, fine and costs, on the streets of said town, under the supervision of the town marshal, at the rate of one dollar per day until the fine and all the costs shall be liquidated.

§ 5. The marshal shall be allowed twenty-five cents a day for each prisoner so worked, and said twenty-five cents shall be taxed as a part of the costs in the case.

§ 6. That this act shall take effect from and after its passage.

Approved March 3, 1876.

CHAPTER 350.

AN ACT concerning Mill creek and tributaries,* in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any one to cut or fell any tree or trees into or across Mill creek, in Jefferson county, or any of its tributaries, viz: Bee Lick, Big Run, or Black Pond, below the Hunter's Trace road, without immediately removing the same from said creek or tributaries, and from within one hundred feet thereof; and any person or persons so cutting or felling a tree or trees, who shall fail within one week to remove the same as above, shall be fined, each person, in a sum of not less than five or nor more than tendollars, for each week such tree or trees are permitted to remain in or across said creek, or either of its said tributaries.

§ 2. It shall be the duty of all landholders, upon whose land said creek or said tributaries run, between the said Hunter's Trace road and the mouth of said Mill creek, and west of the Valley turnpike and Gravel road, to remove all drift, driftwood, brush, and dams, or other obstructions, from said creek or tributaries, on their respective lands; and when said creek or its tributaries, either, shall be the line between adjoining lands, then each landholder shall remove such drift, driftwood, brush, or dams, or obstructions, to his line, and such removal shall be in each year between the first day of May and the first day of October; but the landowners shall be allowed until 1st of October, 1877, to complete the clearing

1876.

out of said creek and tributaries; and when such removal is made, the drift, driftwood, brush, or other obstructions shall be removed to a distance of not less than one hundred feet from said creek or tributaries. And any person failing to so remove drift, driftwood, brush, dams, or other obstructions, above required, shall be fined not less than fifty nor more than one hundred dollars.

§ 3. The fines herein imposed shall be recoverable before either of the justices of the peace of or in Jefferson county, by warrant in the name of the Commonwealth of Kentucky; and upon judgment, a *capias pro fine* shall issue, and be renewable till the fine and costs are paid. The county attorney shall prosecute in all cases under this act, and shall receive thirty per centum of the fines imposed as his compensation. The remaining seventy per centum shall be paid to such person as shall be appointed by the judge of the Jefferson county court to receive the same, who shall expend the same in making the removals required by this act, and for the failure to make which the fine was imposed; and if, after making such removal and paying therefor, anything should be left, the same shall be paid over to the school trustee of the district wherein said land lay, to be applied to school purposes in such district: *Provided*, That nothing herein contained shall prevent the landowners along said creek from erecting water-gaps.

§ 4. This act shall have effect from its passage.

Approved March 3, 1876.

CHAPTER 351.

AN ACT regulating the rates of tolls on the Paris and North Middletown Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Paris and North Middletown Turnpike Road Company shall have power and authority to charge the following rates of tolls on said road, viz: For each wagon drawn by six horses, one dollar; by five, eighty-five cents; by four, seventy-five cents; by three, fifty cents; by two, thirty cents; by one, twenty cents; sleigh drawn by two horses, twenty cents; by one, ten cents; barouche and other carriage drawn

1876, by two horses, twenty-five cents; by one, twenty cents; buggy or gig drawn by two horses, twenty cents; by one, ten cents; dray drawn by one horse, ten cents; by two, twenty cents; horse and rider, five cents; led horse, five cents; for mules and horses in droves of ten and under, five cents each; over, three cents each; asses, led or driven, same as mules; cattle, two cents each; hogs, one cent each; and sheep, one quarter cent each; to be charged and collected at each gate on their road between Paris and North Middletown: *Provided*, The road has been traveled five miles; if it has been traveled more than five miles or less than five miles, then the toll charged and collected shall be at the above rates, in proportion to the distance traveled.

§ 2. This act shall take effect from and after its passage.

Approved March 3, 1876.

CHAPTER 352.

AN ACT for the benefit of George T. Price, sheriff of Logan county.

WHEREAS, R. M. Shackelford, being indicted in the Logan circuit court for murder, fled to the State of Illinois, and Geo. T. Price, sheriff of said county, expended the sum of twenty-four dollars and fifty cents in securing the arrest and return of said fugitive, for the payment of which the law makes no provision; now, in remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, ordered to draw his warrant on the Treasurer in favor of said Geo. T. Price, for the sum of twenty-four dollars and fifty cents, payable out of any money not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 353.

1876.

AN ACT to amend the charter of the South Carrollton Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section seven of an act to charter the South Carrollton Male and Female Academy, approved February 23d, 1874, be amended by adding the following: "And said trustees shall make all their reports to the Superintendent of Public Instruction direct, and shall draw the school fund to which said academy is entitled upon the draft of said trustees, or their officers designated for the purpose; and that their certificate, signed by the chairman, that said money has been appropriated in accordance with law, shall be deemed a proper voucher for the settlement of accounts in the relation of said academy to the system of common schools."

§ 2. This act to take effect from July 1st, 1876.

Approved March 3, 1876.

CHAPTER 355.

AN ACT for the benefit of the administrator of J. L. Stubbs, late clerk of the Lyon county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. C. O'Hara, administrator of J. L. Stubbs, late clerk of the Lyon county court, be, and he is hereby, allowed the further time of two years to collect the fee-bills of said Stubbs, and shall have all the power to collect said bills by law that county clerks are allowed before limitation bars them: *Provided, however,* That in the collection of said fee-bills, said administrator shall be responsible, upon his bond as such, under the same liabilities and penalties as other civil officers, and for the collection of illegal fee-bills.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

1876.

CHAPTER 356.

AN ACT to authorize the Franklin county court to issue bonds for the aid of turnpike roads and other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Bonds not to exceed \$35,000 in amount.

Rate of interest.

§ 1. That the Franklin county court is hereby authorized to issue bonds of the said county, not exceeding thirty-five thousand dollars in amount, at not longer date than fifteen years, to bear interest not exceeding eight (8) per cent. per annum, which bonds may be in such amounts, and principal and interest payable at such place or places, as the said county court may direct; the interest to be payable annually.

May levy an ad valorem tax.

§ 2. To meet the annual interest on said county bonds, to pay all the expenses incident to the issual thereof, and the payment of principal and interest, and all expenses incident to the conducting a sinking fund, and to provide a sinking fund fully sufficient to pay and liquidate the principal when due, it shall be the duty of the county court annually to levy an ad valorem tax on the property subject to pay State revenue, which, when added to the poll-tax, shall be sufficient to defray the necessary county expenses and the expenses before named.

Commissioners.

Powers.

Shall give bond.

Amount of same.

§ 3. That Jo. Robinson, S. Black, Reuben Brown shall be, and are hereby, appointed and constituted sinking fund commissioners; and they and their successors are constituted a body-politic and corporate, by the name of the Franklin County Sinking Fund Commissioners, and as such, and by that name, may contract and be contracted with, sue and be sued; but before the funds of the county raised for the sinking fund purposes shall be put into their hands, they shall execute bond to the Commonwealth of Kentucky, with good surety, to be approved by such county court, in double the amount of funds which may go into their hands or be under their control.

Vacancies—how filled.

§ 4. The county court may and shall have the right to fill vacancies which may occur in said board of sinking fund commissioners for any cause; but before such newly appointed commissioner shall enter on the discharge of his duties, he shall execute a like bond, to be approved by said county court; and said court may, from time to time, remove any sinking fund commissioner for any violation or neglect of duty.

§ 5. Before entering on the discharge of his duties, each sinking fund commissioner shall take an oath well and faithfully to discharge his duties according to law, and according to the best of his abilities.

1876.

Commissioners shall take oath.

§ 6. It shall be the duty of the county court, annually, to order the sheriff or county collector to pay over to said sinking fund commissioners the amount directed to be added to the principal of the sinking fund; and should he fail to do so, said commissioners may motion the sheriff or collector and his sureties before the county court, which court shall render judgment on the bond of said sheriff or collector, which judgment shall not be repleviable; and any execution which may issue thereon shall be indorsed no surety of any kind to be taken; and the money shall be demandable thereon.

Sheriff or county collector to pay over amount collected.

Penalty for failure.

§ 7. The county court shall authorize said sinking fund commissioners to sell said county bonds; but they shall not, in any event, be sold less than par; and said county court may, from time to time, make orders for reasonable compensation to said sinking fund commissioners for their services.

Bonds not to be sold for less than their par value.

§ 8. It shall be the duty of the sheriff, if the county court shall so order, to collect the poll and ad valorem taxes levied for the purposes of paying the annual interest and adding to the sinking fund; and for any breach of duty, a motion may be maintained against him and his sureties on his bond.

Sheriff to collect poll and ad valorem taxes.

§ 9. Said county bonds shall be ordered to be issued by a court consisting of a majority of all the justices of the peace of said county, and shall be signed by the presiding judge, and attested by the county court clerk, with the seal of the county affixed.

How bonds shall be ordered.

How signed and attested.

§ 10. That should the sheriff or county collector have to be motioned or sued for any default, by either the county court or sinking fund commissioners, the court rendering judgment shall also add to the principal sum interest at the rate of eight (8) per cent. per annum from the time the principal should have been paid, or the default occurred, and direct that said judgment shall bear interest at the same rate from its date until paid.

Interest added in case of judgment against sheriff or county collector.

§ 11. That the said county court may, at its discretion, place in the said bonds a stipulation that the same may be paid off at the pleasure of said court.

Bonds may be paid off at pleasure of the court.

§ 12. This act shall take effect from its passage.

Approved March 3, 1876.

1876.

CHAPTER 357.

AN ACT to incorporate the Centennial Building and Savings Association,
of Covington, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky :*

§ 1. That Abram Campbell, M. T. Shine, Charles Bolinger,
Corporators. Henry Wenzel, L. H. Bracker, Wm. Moran, J. W. Mitchell,
W. W. Cleary, and their associates and successors, be, and
they are hereby, created a body-corporate and politic, under
Name. the name and style of the Centennial Building and Savings
• Association, of Covington, Kentucky.

§ 2. Said society, by that name and style, may have per-
petual succession; and be capable of suing and being sued,
'Corporate pow- contracting and being contracted with, in all courts and
ers. places; of having a common seal; to acquire and hold real
Common seal. and personal estate, by purchase, gift, devise, or otherwise;
and the same to sell, mortgage, or dispose of at pleasure, and
whenever they may deem it expedient and proper.

§ 3. They shall have power to make a constitution and by-
laws; and to ordain such laws, rules and regulations, as they
may deem proper and necessary, for the management of said
society; and to alter or amend them at pleasure; but they
shall not be contrary to the Constitution or laws of the United
States or of the State of Kentucky.

§ 4. The fiscal, prudential, and financial affairs and busi-
ness of said association shall be managed and controlled by a
Officers. president, vice president, first and second secretaries, treas-
urer, and nine directors, and such other officers as they may,
from time to time, choose to elect or appoint.

§ 5. Said society shall have power to assess and collect, at
such times, and upon such terms, as they may deem proper
and expedient, such contributions, dues, and fines as they
may deem necessary and proper to carry out the objects of
the association.

§ 6. The objects of this society shall be to afford its mem-
bers a safe deposit for their weekly earnings, and a safe
investment for their savings; to loan its accumulated funds
and weekly deposits to its members; to afford relief to its
members, by advancements or otherwise, in building and
securing homes and houses, &c.; and to this end it shall have
and possess all such powers as may be necessary, not con-
trary to the Constitution and laws of Kentucky.

§ 7. This association may be dissolved in such manner as may be determined by its constitution and by-laws, or by operation of law.

1876.

§ 8. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 358.

AN ACT for the benefit of W. D. Rucker, of Green county.

WHEREAS, One Green Hutcherson, of the county of Green, was tried before two justices of the peace for said county, and was, by their judgment, held over to answer, at the next term of the Green circuit court, the charge of murdering her infant bastard child; and whereas, said justices committed said Green Hutcherson to W. D. Rucker, a constable for said county, ordering him, as a part of their judgment, to keep and guard the said prisoner until she could be prudently confined in the Green county jail; and whereas, upon an examination made by Dr. E. F. Buchanan, by an order of said justices, said Green Hutcherson was pronounced by him to be entirely helpless, and that she could not, with any degree of safety, be confined in jail; and whereas, under said order, said W. D. Rucker did board and guard said Green Hutcherson for eighty-three days (83), caring for and nursing her, and hauled her in a spring wagon to the court, for all of which he made out his account, charging the fees allowed by law to jailers, and two dollars for hauling her to court, amounting to the sum of sixty-four dollars and twenty-five cents (\$64 25), which was allowed by the Green circuit court and presented to the Auditor of Public Accounts for payment, who refused to pay the same, upon the grounds that there was no law authorizing the payment of such claims; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury in favor of the said W. D. Rucker, for the sum of sixty-four dollars and twenty-five cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 3, 1876.

1876.

CHAPTER 359.

AN ACT to amend an act to empower the county court of Franklin county to make subscription to the capital stock in turnpike roads in Franklin county, approved March 16th, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amount of sub-
scription in-
creased.

§ 1. That an act, entitled "An act to empower the county court of Franklin county to make subscription to the capital stock in turnpike roads in Franklin county," approved March 16th, 1869, be, and the same is hereby, amended as follows: strike out "one thousand," in section one of said act, and insert in lieu thereof "fifteen hundred."

§ 2. This act shall take effect from its passage.

Approved March 4, 1876.

CHAPTER 360.

AN ACT for the benefit of David Pryse, of Lee county.

WHEREAS, Mile Dunaway was found, by the verdict of a jury and the judgment of the Owsley circuit court, on the 25th day of October, 1869, and again in the Lee circuit court at the October term, 1875, to be an idiot; and whereas, the Auditor is not authorized by law to pay said idiot from the 25th day of October, 1874, to the 26th day of October, 1875; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is directed to draw his warrant on the Treasurer in favor of David Pryse, committee for said Mile Dunaway, for the sum of seventy-five dollars, in payment of his claim from the 25th of October, 1874, to 26th day of October, 1875, inclusive.

§ 2. This act to be in force from its passage.

Approved March 3, 1876.

CHAPTER 361.

1876.

AN ACT to empower the court of claims of Shelby county to levy an ad valorem tax, and to legalize the ad valorem levies of 1873 and 1874 and 1875.

WHEREAS, The county levy of Shelby county is indebted for appropriations to turnpikes and other public improvements in said county to an amount largely exceeding its ability to pay; and whereas, by an act of the General Assembly of Kentucky, approved March 29th, 1873, the court of claims of Shelby county was empowered, at its regular May terms, 1873 and 1874 and 1875, to levy an additional ad valorem tax of not exceeding two cents on each one hundred dollars of taxable property in said county; and whereas, said court of claims, under a mistaken belief that it was empowered to levy an ad valorem tax of two and a half cents, has levied and caused to be collected for the years 1873 and 1874 and 1875 an ad valorem tax of two and a half instead of two cents; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the levies of two and a half cents ad valorem tax made by said court of claims at its regular May terms, in the years 1873 and 1874 and 1875, be, and the same is hereby, legalized and made of full and binding force and effect.

§ 2. That said court of claims, a majority of the justices of the peace of said county concurring therein, be, and the same is hereby, authorized and empowered, at its regular May terms in the years 1876 and 1877 and 1878, to levy an ad valorem tax of not exceeding two and a half cents on each one hundred dollars' worth of taxable property in said county. The funds arising from said tax shall be applied exclusively to the payment of the indebtedness of the county levy of said county.

§ 3. That the sheriff of said county shall collect and pay over said tax; but before doing so, he shall execute covenant, with good securities, to the Commonwealth of Kentucky, for the faithful discharge of his duties in collecting and accounting for said tax; he shall have the same powers, and be subject to the same penalties, as now prescribed by law for

1876. the collection of the State taxes, and his compensation shall be fixed by said court, not exceeding that for State taxes.

· § 4. This act to take effect from its passage.

Approved March 3, 1876.

CHAPTER 362.

AN ACT to legalize the proceedings of the Christian county quarterly court begun and held on the fourth Monday in January, 1876.

WHEREAS, By an order of a former judge of the Christian county court, the January term of the quarterly court of said county is directed to begin on the last Monday in said month; and whereas, by a mistake of the present judge of said court, it was held in January, A. D. 1876, on the fourth, instead of the last Monday, in consequence whereof doubt has arisen as to the legality of the proceedings at said term so holden; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all judgments, orders, steps, and other proceedings of the Christian quarterly court rendered, taken, and had at its term, which begun on the fourth Monday in January, 1876, be regarded and held as of the same legal force and validity as if said court had been begun and held on the last Monday in said month.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 363.

AN ACT for the benefit of William D. Berry, of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor draw his warrant on the Treasurer in favor of William D. Berry, of Hickman county, for the sum of one hundred and eighteen dollars and seventy-five cents, for taking care of and providing for Patsey Womack, a pauper lunatic, from the 4th day of September, 1873, to the 4th day of November, 1874.

§ 2. That this act shall be in force from its passage.

Approved March 3, 1876.

CHAPTER 364.

1876.

AN ACT to incorporate Amenda Lodge, No. 31, Knights of Pythias.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That S. B. Gross, Joseph Bendel, Charles Eggert, Jacob David, Charles Hottes, Joseph Bailer, and A. Deisner, their associates and successors, be, and they are hereby, constituted a body-corporate and politic, by the name and style of "Amenda Lodge, No. 31, Knights of Pythias," of Lexington, Kentucky; and by that name and style shall have perpetual succession, and shall thereby be capable in law of contracting and being contracted with, to sue and be sued, to plead and be impleaded, in all courts of law and equity in this Commonwealth; to acquire and hold such real estate and personal property as may be necessary and proper to carry out the object and purpose of their association; and to sell and convey and dispose of any and all real or personal property which they may now have, or hereafter become possessed of, at pleasure; the real estate owned by them shall at no time exceed fifty thousand dollars in value.

Corporators.

Corporate powers.

May acquire and hold real or personal property to the amount of \$50,000.

§ 2. That the supervision and care of the funds, investments, and other lodge property shall be, and is hereby, intrusted and confided to S. B. Gross, Joseph Bendel, Charles Eggert, Jacob David, Charles Hottes, Joseph Bailer, and A. Deisner, trustees of said lodge, and their successors in office, who, or a majority of them, shall have full power and authority to make all contracts pertaining to the real estate or personal property of said lodge in every respect, either purchasing, building, renting, or for any other purpose, as the said lodge may direct; and the action of said trustees, or a majority thereof, shall be binding upon said lodge when done pursuant to the rules, by-laws, and instructions of said lodge. Service of process or notice on any of said trustees, or their successors in office, shall be sufficient notice to said corporation.

§ 3. That said lodge may, at any time, make and adopt such by-laws, rules and regulations, for their government as they may, from time to time, deem necessary and expedient, not inconsistent with the Constitution and laws of this State or the United States; may have a common seal, and may change and alter the same at pleasure.

May adopt by-laws and regulations.

May have common seal.

1876. § 4. The General Assembly may amend or repeal this act at pleasure.

§ 5. This act shall take effect from and after its passage.

Approved March 3, 1876.

CHAPTER 365.

AN ACT for the benefit of Geo. W. Williams, M. D., of Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of George W. Williams, keeper of the poor-house of Christian county, for the sum of seventy-four dollars and sixty cents, that being the amount of expenses incurred by him in taking care of, boarding, clothing, and giving medical attention to Matilda Lovier and Letitia Campbell, two pauper colored lunatics, from December 1st, 1873, to May 6th, 1874; and for furnishing a coffin and burying Eliza Edmunds, another pauper colored lunatic.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 366.

AN ACT for the benefit of John M. Curry, ex-sheriff of Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John M. Curry, ex-sheriff of Pendleton county, be, and he is hereby, allowed, from and after the passage of this act, the further time of two years within which to collect all uncollected taxes and fee-bills due him as late or ex-sheriff aforesaid.

§ 2. It shall be lawful for said John M. Curry, ex-sheriff as aforesaid, by the consent of the judge of the Pendleton county court, to appoint one or more deputies for the purpose of collecting of his uncollected taxes and fee-bills, or list for collection all of his said uncollected taxes and fee-bills with any collecting officer of this Commonwealth; and when such

collecting officer shall have received said list of taxes and fee-bills, he shall have power to distrain for and collect the same, in like manner, and under like penalties, as sheriffs are now required by law to collect taxes and fee-bills.

1876.

§ 3. This act shall not take effect or be in force until the surviving sureties of said John M. Curry, or a sufficient number of them, to be approved by the Pendleton county court, in writing, give their assent, to be held liable for all violations of their said bond by reason of the first and second sections of this act.

Approved March 4, 1876.

CHAPTER 367.

AN ACT to change time of holding quarterly courts in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the quarterly courts of Anderson county be, and the same is hereby, changed from the third to the second Monday in February, May, August, and November.

§ 2. This act to take effect from and after its passage.

Approved March 3, 1876.

CHAPTER 368.

AN ACT for the benefit of Thos. J. Winfrey, of Russell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and is hereby, directed to draw his warrant on the Treasurer for the sum of thirty-six dollars (\$36 00), in favor of Thos. J. Winfrey, for expenses incurred in acting as guard in conveying David Chamberlain, a pauper lunatic, from Russell county to Hopkinsville insane asylum.

§ 2. This act to take effect from its passage.

Approved March 3, 1876.

1876.

CHAPTER 369.

AN ACT for the benefit of school district No. 35, of Hickman county.

WHEREAS, A new school-house has been lately built in district No. 35, and is now fit for occupancy, and it has taxed the resources of said district heavily to accomplish the end of having a comfortable place in which to carry on the business of education; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the school year ending June 30th, 1876, it shall be lawful to teach a school of four months' continuance in district No. 35, Hickman county; and the Superintendent of Public Instruction, upon the receipt of the commissioner's draft certifying that a four months' school has been taught in said district, is authorized to countersign the same for the payment of the sum apportioned said district.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 370.

AN ACT to amend an act, entitled "An act to incorporate the New Castle and Carrollton Turnpike Road Company," approved February 4, 1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section five of an act to incorporate the New Castle and Carrollton Turnpike Road Company, approved February 4th, 1858, be so amended as to permit the president and directors of said company to use any funds belonging to said company in making and keeping in repair a branch turnpike road from a point on their present line, near Sulphur Fork Church, in Henry county, to Campbellsburg Depot, on the Louisville, Cincinnati, and Lexington Railroad, and to confer on said turnpike road company, as to this said branch road, all the rights and privileges they now have as to their main road, and not inconsistent with the general laws of the State: *Provided*, That the directors of the New Castle and Carrollton Turnpike Road Company obtain the consent of the stockholders of the Campbellsburg and Bedford Turnpike Road Company.

§ 2. This act to take effect from its passage.

Approved March 3, 1876.

CHAPTER 371.

1876.

AN ACT for the benefit of G. W. Whitesides, for taking care of pauper lunatic.

WHEREAS, Charles Lewis, of Simpson county, Kentucky, was, on the 12th of March, 1869, found a pauper idiot; and whereas, the inquisition was not held, as should have been done, March 4th, 1874, and was not held until March 4th, 1875, by reason of which failure his committee, G. W. Whitesides, did not draw the money due him from March 12th, 1874, up to March 4th, 1875; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and is hereby, authorized and directed to issue his warrant in favor of said G. W. Whitesides, for the sum of seventy-five dollars, for the benefit of said pauper idiot.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 3, 1876.

CHAPTER 372.

AN ACT to incorporate the Prentice Club, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Churchill, W. H. Churchill, M. Lewis Clark, Wm. T. Underwood, W. A. Bullitt, M. M. McKnight, Chas. T. Ballard, Dr. L. P. Yandell, jr., Warren N. Henderson, George D. Shirwin, of the city of Louisville, Kentucky, and their associates, for the purposes of social employment, improvement, and hospitality to strangers, visiting the city, be, and are hereby, created and made a body-politic and corporate, under and by the name of "Prentice Club."

§ 2. That the said corporation, by said name, may sue and be sued in any of the courts of the Commonwealth; it may contract and be contracted with, in all matters concerning its business, as a club; it may have and use a private seal, and break and alter the same at will; it may adopt such constitution and by-laws as may be necessary for its organization under its charter; and it shall have all the several rights, privileges, and liabilities of incorporate bodies.

1876.

§ 3. The "Prentice Club" may take and hold, by gift, purchase, grant, devise, or bequest, personal property to the value of twenty-five thousand dollars, and real property to the value of fifty thousand dollars; but the said property shall be used as a club-house and its appendages and appurtenances, and for the purpose of supporting and carrying on the said corporation alone; and the said corporation shall not engage in any other business save that of conducting and controlling the club-house.

§ 4. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 373.

AN ACT to legalize acts of the McCracken county judge, and to authorize him to sell real property purchased by the court.

WHEREAS, It appears that the county judge of McCracken county has been compelled to bid in real property, in order to save to the county a debt due her by a defaulting sheriff, J. C. Calhoun, who failed to pay over or account for taxes collected by him for the county; and whereas, there is no law authorizing him for the county to bid in said property, or to sell the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of the county judge referred to in the preamble is hereby legalized. He is authorized to sell said land for the benefit of the county, and to convey the same when paid for; the sale to be advertised as is now required by law for the sale of similar property. He shall collect the purchase money, and pay the same over to the county treasurer for the benefit of the county.

§ 2. Nothing in this act shall prevent the person or persons whose land was bid in as above stated from setting up any legal objection to said sale, nor deprive him or them from any right of redemption they may have had in said property.

§ 3. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 374.

1876.

AN ACT to confer additional powers upon the county court of Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Barren county, composed of the county court judge and the justices of the peace for said county, shall have power to employ attorneys to aid the county attorney in the prosecution or defense of any suit which now is, or hereafter may be, pending in the Barren circuit court, or in any other court in which the tax-payers of the county are or may be interested, or in which the fiscal affairs or property of the county may be involved; and said court shall have power to provide for the payment of any sums contracted or agreed to be paid by them to such attorneys, and for that purpose may levy an ad valorem tax upon the taxable property of the county, and provide for its collection.

§ 2. *Be it further enacted*, That this act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 375.

AN ACT to legalize the order of the board of trustees of Glasgow in subscribing one thousand dollars to aid in building the Baptist Female College of Liberty Association of Kentucky, at Glasgow, and issuing a bond in payment of said subscription.

WHEREAS, The board of trustees of the town of Glasgow made the following order on their record-book of the proceedings of said board of trustees, viz: ordered, that one thousand dollars be, and the same is hereby, subscribed for and on behalf of the town of Glasgow, to aid in the erection of the Baptist Female College of Liberty Association, to be located and erected in Glasgow. The clerk of this board is directed to prepare a bond for the amount of this subscription, due in five years, bearing interest at six per cent., payable semi-annually; and when prepared, said bond will be signed by himself as clerk and the chairman of the board, and have the corporate seal of this town affixed thereto, and is to be paid in discharge of said subscription; and whereas,

1876. on the 28th day of February, 1874, said bond was issued in conformity to said order for one thousand dollars, payable in five years, bearing interest at the rate of six per cent. per annum, payable semi-annually to N. G. Terry, Geo. B. Ellis, J. W. Dickey, and C. T. Cheek, building committee of the Baptist Female College of Liberty Association in Kentucky; and whereas, said building committee sold said bond to Mrs. Maria Everett, of Barren county, and the proceeds were used in the building of said Baptist Female College; and whereas, doubts are entertained as to the power of said board of trustees to make said order and issue said bond; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the board of trustees of the town of Glasgow, Kentucky, in making the subscription and issuing the bond mentioned in the preamble hereto, be, and the same is hereby, legalized and made binding on said town of Glasgow.

§ 2. *Be it further enacted,* That the principal and interest of said bond may be collected, according to the terms set out in said bond, as other claims against said town are authorized to be collected as now provided by law.

§ 3. *Be it further enacted,* That this act shall take effect and be in force from its passage.

Approved March 3, 1876.

CHAPTER 376.

AN ACT for the benefit of John E. Abbott, sheriff of Hart county, and to authorize the Auditor to settle with him, and credit him by certain sums on certain judgments.

WHEREAS, Judgment was rendered against John E. Abbott, sheriff of Hart county, and his sureties, in Franklin circuit court, for eight thousand two hundred and ninety-four dollars and thirty-one cents, balance of revenue due from Hart county for the year 1873, and that interest was calculated on said sum from 1st of June, 1873, to 1st of April, 1874, which amounted to the sum of six hundred and ninety-one dollars and nineteen cents, all of which judgment has been paid; and whereas, it further appears that the Commonwealth recovered another

judgment in the Franklin circuit court against said John E. Abbott, sheriff of Hart county, and his sureties, 19th August, 1875, for five thousand two hundred and fifty-nine dollars and fifty-nine cents, balance of revenue due from Hart county for the year 1874, with interest from 1st of June, 1874, to 1st April, 1875, and that there remains unpaid of said judgment the sum of fifteen hundred and ninety-one dollars and seventy cents; and whereas, it is a hardship to require said sheriff to pay interest at ten per cent. from 1st June to 1st of April on taxes for the current year; for remedy whereof,

1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said John E. Abbott and his securities are relieved from the payment of interest on said judgments from the 1st of June to the 1st of April on each judgment.

§ 2. *Be it further enacted,* That the Auditor of Public Accounts be, and he is hereby, directed to credit said John E. Abbott with the sum of six hundred and ninety-one dollars and nineteen cents, the interest which he paid on the revenue of 1873 from 1st June, 1873, to 1st of April, 1874, that he credit him by said sum on the judgment rendered against him and his securities in Franklin circuit court 19th August, 1875, and that upon said judgment no interest shall be calculated from 1st June, 1874, to 1st April, 1875 (to-wit: the sum of four hundred and thirty-eight dollars and thirteen cents).

§ 3. *Be it further enacted,* That this act shall be in force from its passage.

Approved March 3, 1876.

CHAPTER 377.

AN ACT to amend an act, entitled "An act to amend the charter of the Glasgow Railroad Company," approved 20th March, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the Glasgow Railroad Company," approved March 20th, 1872, authorizing said railroad company to extend their road to Tompkinsville, in Monroe county, but limiting the time to four years, be, and the same is hereby, so amended as to give to

1876. said railroad company the further time until 20th March, 1880, in which to complete their road to Tompkinsville, and continuing in operation all the provisions of said act approved March 20th, 1872, until that time.

§ 2. *Be it further enacted*, That this act shall be in force from its passage.

Approved March 3, 1876.

CHAPTER 378.

AN ACT to amend an act, entitled "An act to authorize the voters of the town of Clinton to vote upon the proposition as to whether ardent spirits shall be sold within corporate limits of said town, and to prohibit the sale of same," approved March 29, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 6, 7, 8, and 9 of said act be, and the same are hereby, repealed.

§ 2. That section 13 of said act be, and the same is hereby, amended as follows: "That if any physician shall give any person a prescription to enable him to purchase any intoxicating liquor in said town of Clinton, unless he (the physician) believes such person needs the same to promote his health, or the health of some member of his family, such physician shall be liable to a fine of not less than ten nor more than fifty dollars, to be recovered in the police court of said town on a warrant in the name of the Commonwealth, or in the circuit court of Hickman county upon an indictment and trial as in other cases of misdemeanor, nor shall any prescription be given to a person intoxicated.

§ 3. That each prescription shall state the amount to be furnished to the applicant, and shall be good only for the amount named at the time it is presented, which must all be delivered at that time.

§ 4. No prescription shall be partly filled at one time and partly at another, but the entire amount shall be furnished and delivered at one time; and the prescription, after being filled, or partly filled, shall be null and void ever afterwards.

§ 5. Any druggist who shall vend, sell, or give to any one any spirituous, vinous, or malt liquors, unless upon the written prescription of a regular practicing physician, and given

and dated for such sale, he, she, or they so offending shall be fined for each offense the sum of one hundred dollars, to be recovered in the police court of the said town on a warrant in the name of the Commonwealth, or in the circuit court of Hickman county, upon indictment and trial as other misdemeanors.

1876.

§ 6. This act to take effect and be in force from and after its passage.

Approved March 3, 1876.

CHAPTER 379.

AN ACT to authorize the trustees of Brandenburg to sell and convey real estate lying in the corporate limits of said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the trustees of Brandenburg, Kentucky, a majority of the board concurring therein, to sell and convey, with covenants of general warranty, any portion of the land lying within the corporate limits of said town between East Water street and the Ohio river, and east of the McIntire cooper-shop, and west of Flipping's Run.

§ 2. The trustees, or a majority thereof, are authorized and empowered to sell all or any portion of the land mentioned in section one of this act, either publicly or privately; and any payments made by the purchaser to the treasurer of said board, or if there is none, to the chairman, shall be valid.

§ 3. The said trustees are authorized to receive the amounts due from purchasers of said land, and expend the same for the improvement of the streets, alleys, &c., of said town, as in their judgment may seem just and proper.

§ 4. This act to take effect from its passage.

Approved March 3, 1876.

CHAPTER 380.

AN ACT for the benefit of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to issue his warrant on the Treasurer in favor

1876. of C. M. Vaughan, sheriff of Hickman county, for the sum of forty dollars, on account of the county of Hickman keeping and providing for Patsey Womack, a pauper lunatic, from the 5th day of November, 1874, to the 17th day of May, 1875.

§ 2. That said sheriff shall pay over and account to said county of Hickman said sum of money, in the same manner and at such times as he is by law required to account for and pay over the county levy of said county.

§ 3. This act to take effect from its passage.

Approved March 3, 1876.

CHAPTER 381.

AN ACT for the benefit of Thomas Shanks, sheriff of the county of Jefferson.

WHEREAS, Thomas Shanks, sheriff of Jefferson county, through the inadvertence of his book-keeper, J. A. Crumbaugh, who is now dead, failed to have his delinquent list of negro tax for the year 1874 passed upon by the Jefferson county court of claims, and was compelled to settle up his revenue for said year without receiving any credit therefor; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed further
time to submit
negro delinquent
tax list.

§ 1. That the said Thomas Shanks, sheriff of Jefferson county, be allowed until the next regular meeting of the Jefferson county court of claims to make out and submit to said court his delinquent list of negro tax for the year 1874; and when they have passed upon the same as provided for by section seven of article nine, chapter ninety-two, of General Statutes, and the same certified by the clerk of said court to the Auditor, then the Auditor of Public Accounts be, and he is hereby, authorized and directed to allow said Shanks credit upon his negro tax list for either the year 1875 for the amount of said delinquent list so allowed and certified.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 3, 1876.

CHAPTER 382.

1876.

AN ACT in relation to the sale of spirituous, vinous, and malt liquors in the town of Foster, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That from and after the passage of this act it shall be unlawful for the trustees of the town of Foster, in Bracken county, or the county court of said county, to grant a license to any hotel keeper, coffee-house keeper, or saloon-keeper, or any other person, to retail spirituous, vinous, or malt liquors within the corporate limits of said town of Foster.

§ 2. Any person who shall sell spirituous, vinous, or malt liquors, in violation of the provisions of this act, shall be subject to all the pains and penalties denounced against those who sell spirituous, vinous, and malt liquors without license by the General Statutes of the State of Kentucky.

§ 3. This act shall take effect from and after its passage.

Approved March 3, 1876.

CHAPTER 383.

AN ACT to amend the charter of the Masonic Mutual Benefit Association, of Maysville.

WHEREAS, The "Masonic Mutual Benefit Association," of Maysville, Kentucky, was organized in 1868, and was regularly incorporated in 1870, under a county court charter, and, at the time of the passage of "An act to establish an Insurance Bureau," and "An act for the incorporation and regulation of life insurance companies," said company had a membership of more than one hundred, and rapidly increasing; and whereas, said association was not in conflict with any laws of this State when organized, and had not then, and has not now, any capital stock or reserve fund; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said association be, and the same is hereby, exempted from the control of the Insurance Bureau of this State, and from any and all laws applicable to life insurance companies of this State.

1876. § 2. *Be it further enacted*, That said act be further amended by striking out after the words "to provide a fund" the words "by regular fees or contributions from each member, to be invested and made productive for the members of the association and their families," and in place of same inserting the words "for the benefit of the heirs of deceased members of the association, by an assessment upon the surviving members, made upon the proof of the loss of a member."

§ 3. *Be it further enacted*, That the last clause of said act be repealed, said clause reading as follows: "The amount of funds invested shall not exceed at any time one hundred thousand dollars (\$100,000)."

§ 4. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 384.

AN ACT for the benefit of A. C. Thomas and Simon Humphrey, sheriffs of Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years is given to A. C. Thomas and Simon Humphrey in which to collect the uncollected taxes now remaining due and unpaid, which John Samuels, sheriff of said county, failed to collect during his term of office.

§ 2. That in collecting said tax, said Thomas and Humphrey shall have all the rights and privileges which are now allowed by law for the collection of the revenue.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved March 3, 1876.

CHAPTER 385.

AN ACT to amend the charter of Kentucky Female Orphan School.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first section of an act, entitled "An act to incorporate the Kentucky Female Orphan School," be so

1876.

amended as to read as follows: That James Ware Parrish, James W. Redd, B. P. Smith, William F. Patterson, Lewis Crutcher, John Curd, John T. Johnson, John G. Allen, and L. L. Pinkerton, be, and they are hereby, constituted a body-corporate, to be known by the name of "The Kentucky Female Orphan School," and by that name shall have perpetual succession and a common seal, with power to change and alter the same at pleasure; and, as a body-corporate, shall be authorized to exercise the ordinary powers and privileges that are now enjoyed and exercised by the trustees of any seminary of learning or academy within this State; and on the death, resignation, or disqualification of any of said trustees, or their successors, a quorum of the board shall fill such vacancy or vacancies with a person or persons who are members in good standing of some congregation of the church of Christ in the State of Kentucky; and the person or persons so appointed shall be vested with the same powers and privileges as if specially named in this act; and by the name and style of the "Trustees of The Kentucky Female Orphan School" may sue and be sued, plead and be impleaded, in any court of law or equity.

§ 2. This act shall take effect from and after its passage.

Approved March 3, 1876.

CHAPTER 386.

AN ACT to amend the charters of the Midway and Elkhorn and Scott County and Elkhorn and Midway and Scott County Turnpike Roads Companies.

WHEREAS, The Midway and Scott County Turnpike Road was constructed and operated under two several charters, one known as the Midway and Elkhorn Company, and the other as the Scott County and Elkhorn Company; and whereas, the charter of the Midway and Elkhorn Company does not appear in Public Acts of the General Assembly; and whereas, the two roads have been consolidated upon the provisions of the charter of the Scott County and Elkhorn Company; and since the consolidation of the two companies in 1860 the road has been operated under the provisions of the charter of the Scott County and Elkhorn Company, in building and keeping up a

1876. toll-house, collecting tolls, keeping the road in repairs, and paying off the debts of the road; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the consolidation of the two roads into one is hereby ratified; and the present grade and metal is hereby established; and all the acts of the president and board heretofore done are hereby legalized; and in the future, as now, the road shall be managed under the corporate name of the Midway and Scott County Turnpike Road Company, as made and provided for under the provisions for the consolidation of the two companies, approved March 1st, 1860, also an act approved March 9th, 1854, amending the charter of the Midway and Elkhorn Turnpike Road Company.

§ 2. That section eight of the act approved March 1st, 1860, shall be so amended as to read: "The tolls collected upon said road shall not exceed five per cent. on the capital stock after the current expenses of said road are paid."

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1876.

CHAPTER 387.

AN ACT to amend section 1 of article 2, chapter 94, General Statutes, entitled "Roads and Passways."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of section one of article two of chapter ninety-four of the General Statutes, entitled "Roads and Passways," as authorizes the several county courts of this Commonwealth to establish a private passway for the benefit of a private citizen through the lands of another, except for the purpose of enabling him to attend courts, elections, a meeting-house, a mill, a warehouse, a ferry, or to the most convenient railroad depot, is hereby repealed.

§ 2. The provisions of this act shall apply alone to the county of Wayne.

§ 3. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 388.

1876.

AN ACT to repeal an act, entitled "An act to regulate the pay of the members of the court of claims of Todd county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate the pay of the members of the court of claims of Todd county," approved April 16, 1873, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 3, 1876.

CHAPTER 389.

AN ACT to charter the Southern Kentucky Orphans' Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Beriah Magoffin, Chas. E. Bowman, Nat. Lafon, Z. P. McBrayer, John W. Powell, W. H. Roach, Daniel Cozatt, Dr. Wm. Polk, John Aug. Williams, James A. Curry, Thomas C. Bell, and O. S. Poston, and their successors in office, be, and they are hereby, created a body-corporate, by the name of "The Southern Kentucky Orphan Asylum;" by which name they shall have perpetual succession, with power to purchase or acquire by gift, devise, or otherwise, and to receive, hold, and enjoy any property, real, personal, or mixed, and the same to sell, convey, and dispose of at pleasure; and may, by said name, contract and be contracted with, sue and be sued, plead and be impleaded; and may have and use a common seal, and after the same at pleasure.

§ 2. *Be it further enacted*, That the corporators aforesaid, and their successors in office, shall constitute a board of curators, and are vested with full power and authority to organize, manage, and conduct the said corporation; but before they proceed to transact any business as curators, they shall severally affirm that they will discharge all the duties appertaining to their said office faithfully, and that they will not seek to convert said corporation to any sectarian purpose, or restrict its charity to any denomination of Christians.

§ 3. *Be it further enacted*, That said curators, and their successors in office, shall be citizens of Kentucky, and shall vacate

1876. their office by removal from the prescribed limits; and when any vacancy shall occur in said board of curators by death, resignation, removal, or otherwise, that the residue of said board shall, at its next annual meeting, fill said vacancy by election held by ballot; and upon their failing to do so, then the circuit judge of Mercer county, at any court thereafter held, may make said apportionment: *Provided*, The said fact is certified to him, and no apportionment shall have been made previously by said board of curators.

§ 4. *Be it further enacted*, That not more than three of said curators shall ever belong as members of any one denomination of Christians, nor shall more than half of the same denominations of Christians ever be selected to fill, at the same time, any of the subordinate offices or stations of said corporation.

§ 5. *Be it further enacted*, That the said curators shall annually elect from amongst themselves a president of the board, whose duty it shall be to preside at the meetings, sign the minutes of the proceedings, certify all moneys ordered to be paid out by the curators, or the executive committee elected by them, and discharge and perform such other duties as shall be prescribed or required by the by-laws. He shall give the casting vote on any resolution or question where the vote of the curators result in a tie vote.

§ 6. *Be it further enacted*, That said board of curators shall also elect, from time to time, and for such periods as shall be provided by the by-laws and regulations of said corporation, a treasurer, who shall not be a member of the board, secretary, president of said institution, and the necessary tutors, instructors, matrons, nurses, and agents necessary for the management, conduction, and operation of said institution; and it shall be the duty of the said board of curators to require bond, with good security, of said treasurer for the faithful discharge of his duties as such, and stipulating that he will safely keep all moneys and valuables belonging to said corporation, and pay and deliver the same to such person or persons as said board of curators shall order and direct, when the same is duly certified and ordered by the president of said board.

§ 7. *Be it further enacted*, That neither the said curators nor the president of the board shall ever charge or receive any compensation for any services rendered by them in their re-

spective offices, the same being to be honorary, and for the maintenance of a charity.

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§ 8. *Be it further enacted*, That said curators are authorized to open books and appoint agents, for the purpose of soliciting subscriptions of money or property for the purpose of establishing and maintaining said institution; and they may provide by by-laws when and in what installments said subscriptions may be paid, and who shall be authorized to receive and receipt for the same, and how the same shall be invested and applied.

§ 9. *Be it further enacted*, That all the property of said corporation, however the same may be acquired, shall be held and used as a sacred fund for the purposes of education in science, literature, and the arts, combined with labor, domestic, agricultural, and mechanical, and limited in its application to such orphan children, residents of the State south of the Kentucky river, as shall be apprenticed to said corporation, or committed to their charge by those authorized so to do, with full power and authority to educate and instruct said orphan children till they arrive at the age of twenty-one if males and eighteen years if females (subject to discharge at an earlier age should the said board of curators in their discretion so determine), in such domestic and agricultural operations and mechanical trades and arts as the board of curators may determine in the exercise of their discretion to be most proper.

§ 10. *Be it further enacted*, That the several county courts of this Commonwealth south of the Kentucky river shall have power and authority to apprentice any orphan child, resident in such county, and possessing the qualifications prescribed in the by-laws and regulations of said corporation, to the board of curators, for the purpose of receiving the educational advantages, and being taught the domestic, mechanical, and agricultural arts, as provided for by this charter.

§ 11. *Be it further enacted*, That the property and funds of said corporation, under the direction of the board of curators, may be invested in such real estate as shall be necessary for the domestic, agricultural, mechanical, and educational purposes of said corporation, and the purchase or erection of all necessary buildings and improvements thereon, and the

1876. purchase of all machinery, implements, and stock requisite for their use, and also all such clothing, food, books and stationery, as shall be requisite for the use of said beneficiaries; and also may be applied to any and all necessary purposes and expenses incident to the operation of said institution.

§ 12. *Be it further enacted*, That said curators be authorized to employ and pay reasonable salaries to the president of said institution, and the tutors, master mechanics, matrons, nurses, agents, and servants retained and employed therein.

§ 13. *Be it further enacted*, That said board of curators be vested with authority to make all necessary by-laws and regulations, not inconsistent with the Constitution of the United States and the Constitution of Kentucky, for the regulation of all matters connected with said corporation. They shall also have authority to determine under what restrictions and limitations said orphans may become beneficiaries in said institution; and may also make by-laws to regulate the deportment and morals, and the studies and employments, of said persons enjoying said privilege.

§ 14. *Be it further enacted*, That the property held by said corporation, being devoted to a charitable and educational object, and to some extent relieving the State from future possible charges on her bounty, is declared to be exempt from taxation.

§ 15. *Be it further enacted*, That the board of curators may appoint annually a committee of three persons out of their own body, who shall be called the executive committee, and who shall have authority to act for the board of curators as its agents during the recess thereof; but all its proceedings shall be binding only till the next annual session of the board, unless they shall at that time be duly ratified by the same.

§ 16. *Be it further enacted*, That said institution shall be permanently located in Mercer county, Kentucky, and the board of curators shall hold their sessions at said place. The sessions of said board shall be held annually at a certain time, to be specified, but may, by written notice by the president of said board, be summoned on other occasions when deemed necessary.

§ 17. *Be it further enacted*, That said board of curators shall, when fifty thousand dollars in property and funds shall be

donated, subscribed, or acquired by said corporation, shall proceed to organize and operate said institution.

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§ 18. *Be it further enacted*, That this act take effect from and after its passage.

Approved March 6, 1876.

CHAPTER 390.

AN ACT to reduce into one all the acts relating to the city of Owensboro.

ARTICLE 1.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundaries of the city of Owensboro shall be as follows: Beginning at the Ohio river where the street between Shelby and N. B. Allen comes to the river; thence south along the west line of said street, in a straight line to the road that leads to Monarch's distillery; thence south along said line to the line between Morton and A. Moreland; thence south along said line to the Henderson road; thence up the north margin of said road to the junction of Walnut and McFarland streets; thence south along the east side of avenue or road leading out to Ray's to the division line (as extended) between Thomas Higgins and James Weir; thence east along that line, and continuing in that direction, to the Hartford road; thence across the same, continuing the same course, one hundred and fifty yards; thence towards the Ohio river, parallel with the Hartford road, to the Litchfield road; thence east, with the course of said road, to the old Litchfield road; thence down the same, on the west margin, to the Ohio river. The territory embraced within this boundary is hereby declared to be a city, and the inhabitants thereof are created a body-corporate and politic forever, with perpetual succession, by the name of the "City of Owensboro;" and by that name retaining and possessing the power to sue and be sued, plead and be impleaded, contract, and be contracted with, in the name of the city of Owensboro; to have and use a common seal, and alter, change, or renew the same at pleasure; to hold, enjoy, lease, sell, and dispose of any property now vested in the city of Owensboro, or in any person or corporation for the use of said city, or

1876. which may hereafter be acquired, to the intent and purposes for which same was, is, or may be taken or granted, notwithstanding its locality; and in all suits against said city service of process shall be upon the mayor, or, in his absence, upon the acting mayor *pro tem*.

ARTICLE 2.

Wards.

Said city is divided into two wards as follows: The first ward shall include all that part of said city which lies above St. Ann street extended, from the Ohio river to the city limits, and the second ward all that part of said city which lies below said street. The mayor and common council may by ordinance change said wards, or create new wards, at any time in future as the public convenience demands, endeavoring to equalize the population as near as possible: *Provided*, Such alteration shall not be made, except on a general census of all the inhabitants of said city being taken previous thereto.

ARTICLE 3.

§ 1. The executive power of the city shall be invested in the mayor of said city, who shall hold his office during the term of two years, and until his successor is elected and qualified.

Eligibility of mayor.

§ 2. No person shall be eligible to the office of mayor who is ineligible to the office of councilman.

Mayor to preside at council meetings.

May arrest offenders, summon a posse comitatus.

§ 3. It shall be the duty of the mayor to preside at all meetings of the council; and in all cases of a tie he shall have a vote, and not otherwise; he shall be a conservator of the peace; may arrest offenders against the penal laws of the city and of the Commonwealth, in view and summon a *posse comitatus* to his aid, if necessary; he shall exercise a strict supervisory control over the public affairs of the city; see that the ordinances of the city are duly enforced and observed, and that each and every officer of the city properly discharges his duty, and cause to be impeached any one of them who may prove derelict; he shall take the necessary steps, and is empowered with due authority to suppress all riots, insurrections, and disorderly meetings; he shall sign all commissions, licenses, and permits granted by authority of the city; perform all such duties and exercise such powers as may, from

Cause any derelict officer to be impeached.

Has authority to suppress riots, &c.

To sign licenses, &c.

time to time, be confided to him by the laws and ordinances of the city, or may otherwise pertain to the office of mayor.

§ 4. The mayor shall have power, at any session of the council, to enforce good order and decorum, and to punish contempts, as is now given by law to presiding judges of county courts.

§ 5. He may require information, in writing, from all officers of the city upon any subject pertaining to the duties of their respective offices.

§ 6. He shall, at the first meeting of the council in January of each year, and at such other times as he may deem expedient, give to the board information of the state and condition of the city, and recommend to their consideration such measures as he may deem expedient.

§ 7. The mayor may call special sessions of the common council when, in his judgment, it may be necessary or expedient; he shall have power to administer oaths, and give certificates thereof, as county or circuit clerks are by law authorized to do.

§ 8. No person who, having been once elected mayor, and thereafter having been re-elected to a second succeeding term, shall be again eligible to the said office of mayor after said re-election until two years after the expiration of the second term.

§ 9. The board of common council shall, at their first meeting, elect one of their members mayor *pro tem.* for the year; and such member shall, in the absence of the mayor, preside at the meetings of the council, and in case of the death or resignation of the mayor, his absence from the city, or inability to perform the duties of his office, said mayor *pro tem.* shall, during such absence of the mayor, or existence of such disability or vacancy in the office, perform all the duties, and shall have and exercise all the powers that are vested in the mayor.

§ 10. The mayor of the city shall, at any time when he thinks the public good requires it, appoint suitable policemen, night-watches, and patrol; but such appointment shall not be for a longer time than the next regular meeting of the common council. The policemen so appointed shall receive the same pay for their services as the regular policemen for the length of time for which they may serve.

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May have power to punish contempts.

To require information from officers respecting their offices.

Shall give information to the board of the state of the city.

Mayor may call special sessions of council.

May administer oaths.

No person to serve as mayor three successive terms.

Common council at their first meeting to elect a mayor *pro tem.* to serve one year

In case of death, resignation, disability, or absence of mayor, the mayor *pro tem.* to perform all the duties of mayor.

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ARTICLE 4.

City Council.

Common council to consist of mayor and three councilmen from each ward.

§ 1. All legislative powers herein granted and conferred shall vest in the "Board of Common Council," which shall consist of the mayor and the three councilmen from each ward.

Qualification of councilmen.

§ 2. No person shall be eligible to the office of councilman who is not a male citizen of the United States, of good character; who has not attained the age of twenty-one years; who has not resided in the county of Davies two years next preceding his election, and in the last year thereof in the said city; and who is not a bona fide resident of the ward in which he shall be chosen; and who cannot at the time of election read and write intelligibly; who is not the owner of real estate situated in said city; who is interested, directly or indirectly, in any contract with said city, the terms, rates, or prices thereof being subject to modification or enforcement by said council; and no person shall be eligible who is indebted to said city for tax or otherwise; and no collector or keeper of city funds shall be eligible until he shall have settled with said city and obtained a discharge in full.

If member of council removes from his ward, or does anything to render him ineligible, his seat to be declared vacant.

§ 3. And if, after election, any member of the common council should remove out of the ward for which he was chosen, or do any other act or thing which would have rendered him ineligible, his seat as a member of said council shall be thereby vacated; and the vacancy so caused shall be ascertained by a resolution of the council declaring the fact, after said councilman shall have had ten days' notice from the city attorney of the intended proceeding.

§ 4. The members of the common council and mayor shall be elected by the qualified voters of each ward respectively, and shall serve two years, except, however, that at the annual election to be held on the first Monday in April, 1876, of the three councilmen then elected from each ward, one from the upper ward and two from the lower ward shall hold their offices until the first Monday in December, 1877, and until their successors are elected and qualified; and the mayor and two councilmen from the upper ward and one councilman from the lower ward until the first Monday in December, 1878, and until their successors are elected and qualified; upon which first Monday in December, 1877, and of each year

1876.

thereafter, the general annual election shall be held for the election of councilmen, other officers, and whose term shall then expire from each ward respectively; and of the those councilmen so elected from each ward on the first Monday in April, 1876, within two weeks after their said election, it shall be determined by lot which shall hold for the long and which for the short term. The common council shall have control of the finances, and of all property, real and personal, belonging to the city, and shall have full power to make, publish, amend, and repeal all ordinances for the following purposes, to-wit:

To have control of finances and property of city.

First. To restrain and prohibit all kinds of gaming, and every kind of immoral or fraudulent practice, in said city.

Have power to prohibit gaming.

Second. To restrain and prohibit the selling of any spirituous, vinous, or malt liquors by any person, unless licensed to do so by the ordinances of the city.

To prohibit selling of liquor by persons unless licensed.

Third. To punish and prevent drunkenness, disorderly conduct, and breaches of the peace, public indecency, noise, disturbance, and disorderly assemblies, carrying concealed deadly weapons.

To punish drunkenness and disorderly conduct.

Fourth. To suppress or restrain disorderly houses of all kinds, houses of ill-fame, and gaming-houses and tables, and authorize the destruction of all instruments of gaming.

To suppress disorderly houses and houses of ill-fame and gaming tables.

Fifth. To direct the location of all powder-houses, slaughter-houses, soap factories, distilleries, tanneries, tallow chandleries, and all other houses which may detract from the health or comfort and convenience of the inhabitants of said city; and, if deemed necessary, to prohibit altogether the erection or continuance of any such houses, shops, or trades within the limits of said city.

To direct location of powder-houses, slaughter-houses, &c.

Sixth. To prevent horse-racing and immoderate riding or driving of horses or other animals in the streets, and to prohibit any person or persons, having charge of horses or mules, from leaving them in the streets while in gears, without first unfastening the chains or traces by which they may be hitched or attached to the vehicle, or without by some means securing them so they cannot run away with said vehicle.

To prevent horse-racing or fast riding or driving.

To prevent leaving teams unhitched.

Seventh. To prevent or regulate the encumbering and obstructing of streets, alleys, sidewalks, wharves, landings, market-places, public grounds and buildings, with any vehicles, substance, or material whatever; and to prohibit persons from

To prevent encumbering streets

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To prevent injury
to public property
Driving on
sidewalks.

trespassing upon or injuring public grounds or buildings, and from riding, leading, or driving any animal or vehicle upon or across any sidewalks, or in any manner injuring the same; and from digging up the streets, alleys, and public commons, or in any manner unnecessarily injuring the same.

To prevent
bathing in Ohio
river in front of
city.

Eighth. To regulate or prohibit bathing in the Ohio river opposite said city, or within the limits of said city, or within half a mile of the limits above or below said city.

To punish va-
grants, beggars,
common prosti-
tutes, and gam-
blers.

Ninth. To restrain and punish vagrants, mendicants, street beggars, and common prostitutes and common gamblers.

To prohibit
running at large
of hogs, &c.

Tenth. To regulate or prohibit the running at large of cattle, horses, hogs, and other animals, and to authorize the disttraining, impounding, and selling of same for the penalty incurred and the costs of proceeding.

To prevent
running at large
of dogs.

Eleventh. To prevent, restrain, or regulate the running at large of dogs, and to authorize the killing of same, when at large contrary to the ordinances of said city.

To prohibit
flying kites, &c.

Twelfth. To prohibit the flying of kites, playing at ball or long bullets, shooting or using fire-arms or fire crackers, or unnecessarily using any other thing having a tendency to annoy or endanger, injure, or destroy persons or property within said city, or to frighten teams or animals of any kind within said city.

To compel per-
sons to keep
snow, &c., off
sidewalks.

Thirteenth. To compel all persons to keep the snow and mud, ice, dirt, and trash of all kinds off their sidewalks, and to clean and keep clean the gutters in front of, and the gutters and alleys in rear of, the premises occupied or owned by them, and to provide for the removal of all garbage.

Removal of
garbage.

To prevent un-
necessary noise
and disturbance.

Fourteenth. To prevent all unnecessary and disorderly blowing of horns, ringing of bells, crying of goods or other things, and all other unnecessary noises, to the disturbance of the citizens.

To abate and
remove nuisances

Fifteenth. To abate and remove nuisances, to declare what shall be deemed a nuisance, and punishing, by suitable penalties, the person or persons causing or continuing the same, or suffering the same to remain on his, her, or their premises, or both abate and punish at discretion; and for the purpose of declaring what shall be deemed nuisances, and abating the same, or causing and compelling same to be abated, and punishing persons for causing, continuing, or suffering the same as aforesaid, the common council shall have jurisdiction over

To have juris-
diction for one
mile beyond city
limits for purpose
of abating nu-
sances.

both land and water one mile beyond the limits of the city in all directions: *Provided*, The same be not beyond the limits of the boundary and jurisdiction of the State of Kentucky.

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Sixteenth. To regulate and license drays, wagons, carts, hacks, omnibuses, and carriages of all descriptions which may be kept in said city to be hired, or used for hire or reward.

To license
drays, &c.

Seventeenth. To ascertain by survey and mark and establish the boundaries and limits of said city, and all enlargements and additions thereof, and of the streets, alleys, lots, and blocks therein.

To establish
boundaries of city
and streets there-
in.

Eighteenth. To regulate the burial of the dead, and to prohibit the same within the limits of the city, and to provide common burying-grounds, hearses, and other things necessary to burial; to appoint one or more sextons, and to prescribe his or their duties.

To regulate
burial of the dead

Nineteenth. To provide for the keeping of bills of mortality, and returning same at times and places appointed for that purpose; to impose suitable fines and penalties upon physicians, sextons, and others for any default in keeping and returning the same.

Bills of mortality.

Twentieth. To establish and regulate public scales and gauging, and the place and manner of selling and weighing lime and coal, and to appoint a suitable person or persons to superintend and conduct the same, or any other article sold upon the street.

To establish
public scales.

To appoint
gaugers & weigh-
ers.

Twenty first. To make, establish, and regulate public wells, cisterns, reservoirs, and pumps, and to provide for the furnishing of the said city, and the inhabitants thereof, with water and gas.

To make pub-
lic wells, &c.

To provide for
furnishing water
and gas.

Twenty second. To prohibit and prevent or regulate the erection of wooden buildings in such parts of said city as they may think proper.

To prevent
erection of wood-
en buildings.

Twenty-third. To erect and establish market-houses, market-places, hospitals, council-house, city jail, or station-house or calaboose, engine-houses, and houses for public schools, and to regulate and govern, repair and remove, or rebuild same, or build new ones, and to prescribe the rules and regulations of the use and management thereof, and to prescribe the time and manner of vending produce and provisions in such market-house and market-places, and to prohibit the sale, by

To establish
market-house.

1876. retail, of meat, vegetables, eggs, butter, and all fowls during market hours at any other place than the market-houses and market-places so established and directed.

Forestalling and
regrating.

Twenty-fourth. To restrain and prevent forestalling and regrating.

To purchase
fire engines and
organize fire com-
panies.

Twenty-fifth. To prevent and guard against damage by fire, to purchase fire engines and fire apparatus, to organize fire companies, and regulate and govern the same; and to prescribe and regulate the duties and conduct of members of fire companies, and of other persons in relation to fires, and property moved into the streets or elsewhere to prevent its destruction by fire.

To prevent
training or ex-
hibiting horses or
jacks in streets.

Twenty-sixth. To provide for the prevention of training or breaking horses, or exhibiting stallions and jacks and bulls in the public streets and places of the city.

To provide for
removal of vi-
cious animals.

Twenty-seventh. To provide for the removal out of the limits of the city, or killing of mischievous or vicious animals, and for the punishment, by suitable fines and penalties, of the owner or keeper of such animals for allowing them to go at large.

To regulate po-
lice.

Twenty-eighth. To provide for and regulate the general police of said city.

To have power
to tax citizens to
improve streets.

Twenty-ninth. To regulate the streets, alleys, and sidewalks, and all improvements and repairs thereof; and the said common council shall have the exclusive right and power of taxing persons residing in said city, and the real and personal property situated thereon, for the purpose of making such improvements and repairs, whether such improvements or repairs consist of grading, paving, or otherwise; and no person residing in said city shall be required to work upon any road without the city, nor shall any property lying in said city be taxed for the purpose of making or repairing any road or bridge out of said city, nor shall any inhabitant of said city be subject to county levy. The mayor and council shall have power (and they may exercise it or not within their discretion) to license within said city billiard-tables, ten-pin alleys, jenny lind tables, and other houses of amusement and profit, including all theatrical performances, circuses, concerts, and panoramas, and may, by ordinances and by-laws, impose such taxes for same as they may deem proper, and in like manner provide for the collection of same, and prescribe and

Inhabitants of
city not to work
roads or pay
county levy.

To license cir-
cuses and con-
certs.

enforce fines and penalties for a violation of any of said ordinances or laws; and no person shall exercise any of the above named privileges within said city, or within one mile thereof, without a license therefrom; and the city officials shall have jurisdiction to enforce this section, and all ordinances and laws passed by the mayor and council touching the same.

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Jurisdiction within one mile of city.

Thirtieth. The mayor and council (a majority of all elected voting for it) shall have power to borrow money, and issue the bonds of the city for the same, and pledge the faith, property, and revenues of the city therefor; but no amount beyond the revenue for the current year shall be borrowed without the concurrence of a majority of the qualified votes cast at an election called for the purpose of authorizing the same. When the mayor and council submit a proposition to the voters of said city to authorize them to borrow money, they shall issue an ordinance, stating the sum proposed to be borrowed, the time for which it is to be borrowed, and the object or objects for which the money borrowed is to be expended, and the time and place of taking the vote thereon; and the money so borrowed shall be applied to the purposes for which it was borrowed. The mayor and council shall, in the ordinance to take the vote of said city to authorize them to borrow money, make provision for the payment of the interest on the sum to be borrowed as it shall accrue, and to pay the debt when it shall become due, which provision so made shall be distinctly stated in the ordinance proposing to borrow money; and the ordinance made shall be published in one or more newspapers in the city of Owensboro, at least three weeks before the vote is taken.

Power to borrow money and issue bonds of city.

Not to borrow sum beyond the revenue of the current year without submitting to vote of people.

Manner of submitting it.

Thirty-first. The election for said purpose shall be held in the same maner and at the same places, and the result of the election determined, as the other municipal elections are held and determined. All bonds of the city for the payment of money shall be signed by the mayor and countersigned by the treasurer; the bonds of the city may be negotiated and sold by the mayor, or an agent appointed by the council for that purpose, as the council shall determine; such bonds shall not bear a greater rate of interest than ten per cent., and shall not run for a greater length of time than thirty years; and the common council shall cause a description of all bonds

Vote on ordinance for borrowing money to be taken as in other elections.

Bonds of city must be signed by mayor, and countersigned by treasurer.

Bonds not to bear greater interest than ten per cent., nor run longer than thirty years.

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Bonds to be registered.

issued by the city to be entered on the bond register of the city, showing the date, amount, rate of interest, and time of maturity of each bond.

To regulate sale of goods at auction.

Thirty-second. To prohibit or authorize and regulate the sale of all kinds of property, real or personal, at auction in the streets, or elsewhere in the city, and to license auctioneers, and to regulate their conduct, and by ordinance to impose fines for failure to take out licenses, &c.

To regulate public and private wharves, and the rates of wharfage

Thirty third. To regulate all wharves on the shore of the Ohio river in front of or adjoining said city, and the amount of wharfage to be charged at or for the use of the same.

To levy and collect revenue.

Thirty-fourth. To levy and collect a revenue for the city of Owensboro in the manner hereafter prescribed.

To establish board of health.

Thirty-fifth. To establish a board of health for said city, and to invest it with such powers and impose upon it such duties as may be deemed necessary to preserve the health of said city.

To prevent introduction of contagious diseases.

Thirty-sixth. To prevent the introduction and spreading of contagious or infectious diseases.

To regulate taverns, coffee-houses, &c.

Thirty-seventh. To regulate all taverns, groceries coffee-houses, ale or porter shops or cellars, and all other houses where beer, ale, porter, wine, or cider are sold by retail, or any spirituous liquors are sold by less quantity than a quart; and all theatrical exhibitions and concerts, and all exhibitions, of whatever name or nature, to which admission is obtained by the payment of money.

Theatrical exhibitions, &c.

To regulate ferries and their charges.

Thirty eighth. To regulate all ferries across the Ohio river from said city or in front thereof to the opposite shore, and to regulate the rate of ferry-rates and charges.

Exclusive power to grant license to tavern-keepers, saloon keepers, and keepers of wine and beer shops, theatrical exhibitions, concerts, menageries, circuses, &c.

Thirty ninth. The common council shall have exclusive power to grant licenses to the following persons and business, and provide by ordinance adequate penalties for doing business without license, viz: tavern-keepers, innkeepers, retailers of spirituous liquors by a less quantity than a quart, keepers of beer, ale, porter, cider, and wine-shops, houses, and cellars, and all other places of public entertainment; and showmen, and keepers and managers of theatrical exhibitions, concerts, menageries, circuses, fortune-tellers, astrologers, clairvoyants, and all other exhibitions for money or other reward; and auctioneers, commission merchants, tobacco stemmers, stores, &c.

To license auctioneers, commission merchants, tobacco stemmers, stores, &c.

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companies, express companies, telegraph companies, real estate agents, dentists, sawyers, physicians and surgeons, dealers in live stock doing business in the city of Owensboro, tobacco stemmeries, livery-stables, and warehouses, and houses for the sale or manufacture of dry goods, groceries, and wholesale liquor houses; and all other houses or places for the purchase, manufacture, or sale of goods, wares, or merchandise of any kind; and keepers of ferries across the Ohio river from or in front of said city; persons vending at retail or wholesale, by sample or otherwise, goods, wares, merchandise, and personal property of any kind in said city, or upon boats or water crafts of any kind in the Ohio river opposite said city, or in front thereof, and as far as the jurisdiction of Kentucky extends, whether such boat or water-craft be in anywise fastened to the shore or bottom of the river, or otherwise made stationary in the river.

To license keepers of ferries, persons vending by sample, &c.

Fortieth. And in granting such licenses as by this act the common council is authorized to grant, they shall charge such sum or sums of money as they shall deem fit and reasonable, and annex to such licenses such terms and conditions as in their opinion the peace, good order, and general interest of the city may require.

May fix the rate of license and annex conditions.

Forty-first. And if any person so licensed be guilty of any violation of such condition, or suffering it to be done by any person in his employ, he shall, upon conviction thereof, in addition to the penalty prescribed for such violation, have his license suspended for a limited time, or wholly annulled, as the common council may hereafter by ordinance prescribe.

Any person violating conditions to have his license suspended or taken away.

Forty-second. No license herein allowed to be granted by the common council shall be for a longer time than one year; but may be for a shorter time, in the discretion of the council, and the charge therefor shall be paid into the city treasury before such license is granted.

No license granted for a longer time than one year.

Forty-third. To regulate and prescribe the manner of the construction of chimneys, fire-places, stove-pipes and flues, and to compel the alteration of such as are improperly constructed, and to make and enforce all such ordinances as may be proper or necessary to prevent the destruction of property by the careless and improper use of fire and lights.

To regulate construction of chimneys, &c.

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Majority to constitute quorum; smaller number may adjourn from day to day and compel attendance.

Forty-fourth. A majority of the members of the common council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinances.

Power to appoint all necessary officers and agents; to prescribe their duties, &c.

Forty fifth. The common council shall have power to appoint all officers and agents they may deem proper and necessary to carry into full effect the powers hereby conferred, and to prescribe their powers and duties, and to require them, or any or either of them, to give bond, with security, for the faithful discharge of such duties; and all officers and agents so appointed shall hold their offices during the pleasure of the common council; and to regulate and to establish and provide for the payment of fees and salaries of all officers and agents so employed.

Council to prescribe rules of its proceedings, and punish members for disorder.

Forty-sixth. The common council may, by ordinance, prescribe the rules of its proceedings, and, by proper penalties, enforce the same, and punish members for disorderly behavior.

Correct journal of proceedings to be kept.

Forty-seventh. The common council shall cause to be kept a correct journal of its proceedings, which shall be signed by the mayor after their approval; and, immediately after the adjournment of each session, may cause the proceedings of that session to be published at least once in some newspaper printed and published in the city of Owensboro; such newspaper to be selected annually by the common council, or otherwise, as may be prescribed by ordinance

May cause proceedings to be published in newspaper.

To prevent encroachments on streets and sidewalks.

Forty-eighth. To prevent and remove any and all encroachments into or upon any street, alley, sidewalk, lane, avenue, or public square established by this charter or by ordinance, and to exercise complete and perfect control over all public squares or commons belonging to the city, and over all property, real or personal, belonging to the city within or beyond the limits of the city.

To erect work-house, poor-house, and house of correction.

Forty-ninth. To erect a work-house, poor-house, and house of correction, and to provide for the regulation and government thereof.

Not to create a debt which cannot be paid out of current revenue for the year.

Fiftieth. The common council shall not make or create a debt against the city, payable during the current year, that cannot be liquidated out of the revenue of that year, except as herein otherwise provided.

Fifty-first. To grant the right of way over the public streets, and other public places and grounds of the city, to any railway company for any railway purposes, for such time, and in such manner, and on such conditions, as they may deem proper; and shall have supervisory control over the use of same, and shall regulate the speed of cars, signals, and all other matters pertaining to the use of such streets, grounds, or places for such railway purposes.

Fifty-second. To elect or appoint one of their number chairman for the occasion at any regular meeting, when both the mayor and mayor *pro tem.* shall be absent, or when from any cause neither of them can act.

Fifty-third. To appropriate the money of the city to its improvement and current and necessary expenses; to provide for the payment of its debts, and for the general protection and defense of the city; to provide for the safety of the lives and property of the citizens and inhabitants of the city, and for this purpose may provide for the safe construction, inspection, and repairs of all private and public buildings within the city; regulate, restrain, or prohibit the erection of wooden buildings within prescribed limits, and remove same at the owner's expense when erected or suffered to remain contrary to law or ordinance; may regulate or prevent dangerous manufactories, or the manufacture or vending of articles obnoxious or dangerous to the health of the inhabitants.

Fifty-fourth. May compel persons present to aid in extinguishing fires, or in the preservation of property liable to be destroyed or stolen; may compel all owners of buildings to have scuttles on their roofs and stairs or ladders, or both, leading thereto; and through their officers or agents may enter into and examine all dwellings, lots, yards, inclosures, and buildings of every description to ascertain their condition for health, cleanliness, and safety; may take down and remove buildings, walls, or superstructures that are or may become dangerous, or require owners to remove or put them in a safe and secure condition at their own expense; may regulate the storage of gunpowder, or coal oil and its products, baled hay, hemp, cotton, and other combustible materials; the use of lights and candles in stables, shops, and other places; may remove or prevent the construction of any fireplaces, chimneys, stove, oven, boiler, kettle, or any apparatus used in any house, building, manufactory, or business

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To grant right of way over streets to railways.

Council to regulate speed of cars in streets, signals, &c.

To appoint one of their number chairman.

To appropriate money of the city to provide for the payment of its debts, &c.

May provide for safe construction of buildings.

May prohibit wooden buildings in fire limits.

May regulate dangerous factories.

May compel persons to aid in extinguishing fires.

May have dangerous buildings and walls torn down.

Regulate storage of combustible material.

1876. which is liable to cause fires or conflagrations; may direct the safe deposit of ashes or other dangerous rubbish or material; and may order and regulate the building of partition, parapet, and fire walls.

May order parapet and fire walls to be built.

How vacancy in council to be filled.

Fifty fifth. If a vacancy shall occur in the office of councilmen, the mayor shall cause an election to be held in the ward in which such vacancy shall occur to fill such vacancy, which election shall be held in such manner, and returns made and results determined, as now required by law in case of the regular annual election.

Council must order improvements made on petition of two thirds property-holders.

Fifty sixth. Upon a petition, signed by two thirds of the property-owners on any street asking improvements to be made on such street or streets, such improvements shall be ordered by the council, and the same shall be enforced in the same manner that orders of the council for other improvements in the city are enforced.

To meet first Thursday in each month or oftener.

To designate by ordinance time and place of regular meetings.

Fifty seventh. The common council shall meet on the first Thursday in each month, and oftener if the interest of the city require it, and shall meet upon their own adjournments, and determine the rules of their own proceedings; they shall designate by ordinance the time and place of their regular meetings.

Yeas and nays.

Fifty eighth. Any members of the council may call for and have recorded the yeas and nays upon any question.

To make regulations, by-laws, and ordinances.

To enforce observance of ordinances by fine not to exceed one hundred dollars for any offense.

Fifty ninth. To make such rules, regulations, by-laws, and ordinances for the purpose of maintaining the peace, good government, and order of the city of Owensboro, and the trade, commerce, and manufactures thereof, as the common council may deem expedient, and to enforce the observance thereof by suitable fines and penalties for violation thereof, not exceeding one hundred dollars for any one offense; and to make all ordinances necessary and proper for carrying into effect the powers conferred and vested by this act.

ARTICLE 4.

Streets, Alleys, and Sidewalks.

Land not to be divided into streets, alleys, & lots without consent of council.
Council to have additions surveyed and plat made, with streets located.

§ 1. No person shall lay off his land within the city into streets, alleys, and lots without first presenting his petition to the common council, setting forth his title and an accurate description of the land intended to be so laid off into lots, streets, and alleys; whereupon, the council shall order a competent surveyor to go upon the premises and make an

accurate survey and plot thereof, and report the same to the council, which, if approved by the council, shall be certified to the clerk of the Daviess county court for record, and shall be by him recorded, and ever afterwards be evidence of the location and boundaries of the streets, alleys, and lots, and the applicant shall pay such reasonable fees as shall be allowed the surveyor, and the clerk's fees recording; and in making the plot and survey, the council shall direct the location of the streets and alleys, but the applicant may direct the size and boundary of the lots; and the act of making the survey and map, and its approval by the council, shall vest the title to the use of the streets and alleys in the city for the use of the public; and if any one shall lay off his land into streets, alleys, and lots in contravention of this section, it shall be an implied consent on the part of such proprietor, and those holding title through him, that the city authorities may thereafter open streets and alleys through said land and lots without regarding their previous location or boundary, and without making any compensation for lands which may be taken for streets or alleys, or damages done to the property, buildings, or improvements; and the council may, at their pleasure, locate streets and alleys on such lots and improvements without making compensation, as freely as if the use thereof had been granted to them by the proprietors for the use of the public.

§ 2. The common council may, by ordinance voted for by a majority of its members, the yeas and nays being entered on its journal, cause a new street or alley to be opened, or old ones to be widened or extended, when, in their opinion, the interest of the public demands such action, in the following manner: They may acquire the use of any land for said purposes by donation, dedication, or purchase, in the name of the city; when they shall deem it necessary to establish any such way over the land of others, and they shall not have acquired the use thereof as aforesaid, the common council may appoint one or more persons, one of whom shall be a practical surveyor, and direct him or them, after being duly sworn faithfully and impartially to discharge the duties assigned him or them, to go upon the premises over which said way is proposed to be established, and make an accurate survey and plat of the lands sought to be taken, showing the names of the proprietors thereof, and the sepa-

1876.

If report of survey adopted, shall be certified to clerk of county court and recorded, and shall be evidence of location of lots and streets.

Applicant to pay surveyor and clerk.

Title to the use of the streets and alleys to be vested in public by council's adoption of surveyor's report

If any one lay off his land into streets and alleys and lots, it is implied consent that council may afterwards have streets, &c., laid off in said land without regard to those already laid off, and without compensation.

Council, by vote of majority, cause new streets and alleys to be opened; old ones widened and extended.

May, by gift or purchase, acquire land for streets.

Commissioners to be appointed to value land condemned for streets, and estimate damages.

1876. rate boundaries of each, and the estate held by each; and if there be a life estate, and an estate in remainder, the names of the persons owning each estate, and, as far as possible, the residence of those interested in the estate; and the nature of any improvements that may be on the premises, and the value, in his opinion, of the interest of each proprietor in the land sought to be taken, and the damages done to the estate of each proprietor, and report his or their survey, map, and conclusions to the council, in writing. Whereupon, it shall be the duty of the council to cause their clerk to issue a writ, directed to the city marshal, commanding him to summon each party interested in the premises, to appear before the council on a day to be fixed in the order of the council, and show cause why said street or alley shall not be established, which summons may be executed by the marshal in any part of Daviess county; and if the proprietor cannot be found, it may be executed by delivering a true copy thereof to any tenant residing on the land; if the summons be returned executed as to all, or executed as to some, and not found in Daviess county as to the others, and they shall not appear in person, by attorney, agent, or tenant, the council may proceed to establish said way, according to the survey made as aforesaid, over the lands of such as fail so to appear; but if any one interested shall appear by themselves, attorneys, agents, or tenants, and claim compensation or damages greater than the council is willing to pay, it shall be the duty of the council to appoint three commissioners, who are in no way interested in the premises, or related to either of those interested, and who are owners of real estate in and residents of the city, and direct them to go upon the premises, on a day to be fixed by the order, and, after being sworn faithfully and impartially to discharge the duties assigned them, to examine the premises and hear any evidence which may be offered, either by the city or the proprietors; and, after doing so, to report to the common council what sum would be a just compensation to each proprietor for the land proposed to be taken from him, what damage the proprietor will sustain in other respects by the establishment of the way; and when said report shall be made, the common council shall determine whether they will pay the amount so reported, and establish the way; and if they do determine to establish the

If any one claim greater damages than council is willing to allow, council must appoint three commissioners to value same.

Commissioners not to be related to party nor interested in premises; must be owners of real estate in city and residents thereof.

Commissioners to report damages to council.

After report made, council to determine whether they will pay damages assessed and open street.

way, they shall do it by ordinance by a majority, the yeas and nays being entered on their journal; and said ordinance shall also provide for the payment of the amounts reported by the commissioners, or agreed to be paid, if an agreement be made; and thereupon the said street or alley shall be established as surveyed. The commissioners herein provided for shall have power to administer oaths to witnesses, and both the first and last named commissioners shall receive a reasonable compensation, to be fixed by the council; and the council shall have power, after causing a copy of the order appointing them to be delivered to them, to compel them to act by procedure as in cases of contempt.

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Commissioners have power to administer oaths to witnesses.

Council has power to compel commissioners to act.

§ 3. The council may, by ordinance as aforesaid, establish a new street, or widen or extend an old one, absolutely or contingently, on the condition that persons desiring such way will pay the whole or part of the damage or compensation awarded by the commissioners within a time to be specified in the ordinance; and when said damage shall have been paid into the city treasury, or to such proprietors, the council may establish it finally and unconditionally.

Council may open street contingent upon the persons desiring it opened will pay part or all damages.

§ 4. Any person interested in the land may appeal from the decision of the commissioners and the common council fixing the compensation and damage to the circuit court of Daviess county in the same manner that appeals are taken from the judgment of the county court to the circuit court in road cases, except in this, that the case may be tried in the circuit court upon such evidence as may be there offered by either party; and the reversal of the decision of the commissioners and council shall not interfere with the establishment of the way, and shall only affect the amount of compensation and damage; in such appeal the city of Owensboro shall be the appellee.

Any person interested may appeal from decision of commissioners to circuit court.

In appeals city to be appellee.

§ 5. The common council may, from time to time, cause the streets and alleys in the city to be graded at the costs and expense of the city, or at the expense of the adjacent property-holders, as may seem just.

Council may cause streets to be graded at expense of city or property-holders.

§ 6. The common council may, from time to time, cause any of the streets or alleys which may have been graded to be regraded and macadamized, graveled, or otherwise improved, in such manner as the common council shall deem most conducive to the welfare of the city; but the cost and expense of such regrading, graveling, macadamizing, or other improve-

May cause streets to be regraded, macadamized, or graveled or otherwise improved.

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The cost of such improvements to be paid by holders of property fronting on said street in proportion to number of feet held.

Assessment not to exceed one third the value of the lot.

Assessments may be paid by city and collected from lot-owners by her.

When city pays, she to have a lien

Value of lots to be determined by assessor's books.

May cause sidewalks to be made at expense of lot-owners.

Lien given city for cost of sidewalks.

Liens in this and preceding section to have priority over others.

Cost of making improvements to be tax on lot-owner, due 30 days after work received.
Shall be collected as other taxes are

ments, shall be borne and paid by the lot-owners fronting on such street or alley where the work is done, to be paid by them respectively, according to the number of front feet where such work may be done: *Provided*, That no such assessment or charge shall be made against any lot or lot-owner in excess of one third the value of such lot, and any excess over one third the value of any lot which may be chargeable against the same for improvements shall be paid by the city; and the council may, by ordinance, provide that the city will collect said assessments, and be responsible to the person doing such work, in which case the city shall have a lien as for other taxes, or that the person doing the work shall have a lien on the adjacent lots for the respective amounts due from the owners thereof; the value of the adjacent lots shall be determined by the assessor's books showing their value at the last assessment previous to the passage of the ordinance requiring the work to be done.

§ 7. The common council shall have power to cause the sidewalks in said city to be graded, paved, or improved in such manner as they may by ordinance direct, at the cost and expense of the lot-owners fronting such street or alley where such sidewalk is so improved, to be apportioned between the lot-owners fronting thereon as in the preceding section; and a lien is hereby given to the city upon such lots for the payment of the costs and expenses of improvements provided for in this and the next preceding section on all lots, houses, and improvements fronting thereon, which lien shall attach at the passage of the ordinance directing said improvements to be made, and shall have priority over all other liens upon the same property, whether created before or after that time, except liens for State and other city taxes.

§ 8. The costs and expenses of making the improvements provided for in the two preceding sections shall be a tax upon the lot-owners, and due and payable to the city or contractor thirty days (30) after the work shall be completed and received, and shall be collected and accounted for by the city collector as other taxes are collected and accounted for, except that the city may order it to be paid directly to the person doing the work, in which event it shall be paid to him; and the council shall ascertain, by ordinance, how much is payable by each lot-owner, and the sums for which a lien is held

upon each lot; place a copy of the ordinance in the hands of the city collector, who, if it is not paid when done, shall proceed to levy and collect the same in the same manner that other city taxes are collectable; and if he shall not find personal property belonging to the person owning it to pay said tax, he may proceed, after advertising the same, to sell the lot or lots, or so much as will pay the amount due thereon, to the highest bidder for cash in hand, the sale to be made at the court-house door on the first day of a county or circuit court, in the same manner as other sales are, by this charter, directed to be made for other city taxes.

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If no personal property be found to pay tax for improvements, lots may be sold.

Sale to be at court-house door on first day of county or circuit court.

§ 9. The intersections of the streets shall be guttered, graveled, paved, and macadamized and improved, and crossings made at the cost and expense of the city; and when any lot-owner shall have improved, by paving and guttering, the sidewalks, and graveling or macadamizing to the center of the street in front of his lot in accordance with that ordered to be made, such lot-owner shall be exempt from said tax in so far as his improvements conform to the plan and character of improvements prescribed by the council; and any person desirous of making the improvement in front of his own property, who shall notify the mayor of his readiness to improve the street in accordance with the ordinance prescribing the kind of improvements to be made, within fifteen days after the publication of the ordinance, and shall enter into bond, with approved security to the city, that he will cause the prescribed improvements to be made within the time prescribed for the completion of the work, shall be permitted to improve in front of his property, and be exempt from the aforesaid assessments for such improvements; and upon his failure to comply with said bond, he and his sureties shall pay to the city double the amount of the contract price for such part of the work as he shall fail to have completed as specified.

Intersection of streets to be paved by city.

Lot-owners may construct the improvements ordered; and, if according to plan, be exempt from any tax therefor.

Must enter into bond before he is permitted to improve in front of his property.

On failure to comply with bond, he and his sureties to pay city double contract price.

§ 10. The common council shall have power to cause the public streets surrounding the square on which the court-house in Owensboro is situated to be improved, as provided in the preceding sections, by assessing the adjacent property-holders for the cost of said improvement to the center of the street, and at the expense of the county of Daviess, under the direction of the common council, from the center of said

Council may cause streets around public square to be improved, to be paid for, one half by adjacent lot-owners, one half by the county of Daviess.

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At court of
claims county to
levy capitation
tax to pay for
improvements.

Mayor may file
petition in circuit
court for man-
damus to compel
levy to be made.

streets to said square on which the court-house stands; and the county court of Daviess, at its first court of claims after said work shall have been contracted for, shall levy a sufficient capitation or ad valorem tax to pay the contract price for said improvements, and the cost of collecting the same for said purpose, in favor of the treasurer of the city of Owensboro; and upon the failure of said court to make said levy, the mayor of the city of Owensboro may file his petition in the Daviess circuit court for a writ of mandamus, to compel such levy; and it shall be the duty of said court to compel the county court to make such levy.

ARTICLE 5.

Assessment and Collection of Taxes.

§ 1. The following property shall be subject to a uniform rate of assessment and taxation for municipal and local purposes in the city of Owensboro, viz:

First. All real estate situated within the corporate limits of said city, except real estate held by religious denominations for devotional purposes, not exceeding one acre, lands on which seminaries of learning are erected and used for educational purposes, the public property belonging to the county of Daviess.

Second. All personal property, choses in action, moneys, deposits, rights or demands, or any interest, share, or partnership therein, wheresoever situated, owned or held by persons domiciled or permanently residing in said city, on the 10th day of January in the year in which the assessment shall be made, or which shall be so owned or held by any corporation created by the laws of Kentucky, and having its chief office or place of business in said city, except bonds of the United States exempt by law from taxation, stock held by such persons or corporations in other corporations created by the laws of Kentucky, which are taxed by the laws of Kentucky, and subject to a further deduction from the amount of said choses in action, debts, rights, and demands of the debts which said persons or corporations may actually owe as principal debtors on the said 10th day of January, and the further sum of one hundred dollars, which is exempt from taxation.

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Third. All capital actually employed in any calling, business, or pursuit carried on in the city by persons residing outside of the limits of the city during the current year ending the first day of July of each year; and may levy a specific tax on all goods brought to said city to be peddled or sold at auction, and not otherwise taxed.

§ 2. It shall be the duty of the city assessor to assess the taxable property and tithes in the city for that year, with whom persons liable to list for taxation shall list their property, who shall receive such compensation as the council may prescribe or allow, and who shall be subject to removal for drunkenness, fraud, neglect of duty, or malfeasance or misfeasance in office by the common council; and before entering upon his duties, he and his deputies shall take an oath, before the mayor or other person authorized to administer oaths, faithfully to assess the property and tithables of the city, and he shall enter upon his duties as soon after the 10th day of January as possible; and it shall be the duty of the common council to provide said assessor with blanks on which to make the returns of his assessments, and he shall return said list completed to the board of supervisors on the first Monday in March of each year. The first column in said blank shall be for the name of the person or corporation listed; the second shall indicate the color, whether white or black; the third shall indicate that the person listed is a male over twenty-one years of age; the fourth, the number or interest in town lots; the fifth, the street on which they are situated; the sixth, the total value of the town lots; the seventh, the number of horses, mules, jacks, jennies, kept in the city; the eighth, their total value; the ninth, the value of cattle and hogs, except one cow, exempt from taxation, kept in the city; the tenth, the value of wagons, carriages, and wheeled vehicles of every description kept in the city; the eleventh, the value of any stores or stock in trade; the twelfth, the value of pianos; the thirteenth, the value of gold and silver watches, and watches of other metals, and clocks; the fourteenth, the value of gold and silver plate; the fifteenth, the value of any adventure in trade, shipment, or business, or any share, stock, or interest therein outside of Owensboro, whether in Kentucky or other States or countries, not elsewhere taxed for municipal and local purposes; the sixteenth, the valuation under the equalization law, after deducting one hundred dol-

1876. lars exempt from taxation; and the seventeenth shall show the aggregate value of the real and personal estate subject to taxation; and the assessor shall list for taxation every person and corporation herein made liable to taxation under the preceding section, and make due return thereof, under the appropriate heads on said blanks, on or before the tenth day of March in each year; but before entering said list, he shall administer to each person listing for taxation the following oath, viz: You do solemnly swear that you will render a true and faithful list of all estate, property, rights, means, debts, interests, and demands made taxable under the charter of the city of Owensboro, and that you will place a fair and just value upon all your personal property, and upon all debts and demands due you, or to become due, and upon any share or interest you may have in any business or trade elsewhere, which is required to be listed for taxation, and that you will not overestimate your debts and liabilities: so help you God. Or, if the person so listing for taxation resides outside of the city, and carries on business in the city, he shall make oath that he has rendered a full, fair, and just statement of the capital employed, and intended to be employed, in his or their business in said city during the current year ending on the first of July next thereafter. The president, or other chief officer of corporations, shall list their property for taxation; when the assessor cannot find the person to be listed, he may return the fact, with the best estimate that he can make of his taxable property, obtained from other sources. He shall make, in a column provided for that purpose, opposite the name of the party listed, when they have been "sworn;" and for every list not so marked, when he does not return that the party cannot be found, or that he refuses to list, he shall be charged one dollar, to be deducted from his compensation.

§ 3. If said assessor shall falsely return any one sworn, who was not in fact sworn by him or his deputy, he shall be guilty of a misdemeanor, and upon indictment and conviction in any court having jurisdiction, he shall be fined not less than one hundred dollars, and confined in the county jail of Daviess county until the same be paid, not, however, exceeding three months.

§ 4. If any person, whose duty it is made to list his property or that of a corporation, when called on for his list by

the assessor or his deputy, shall refuse, he or they shall be liable to a penalty of one hundred dollars, to be recovered by the city in action against him in any court having jurisdiction of the parties.

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§ 5. The common council shall appoint four supervisors of taxes, in the month of January after this charter goes into effect, two from each ward, and every year thereafter, who shall be freeholders and men of sound judgment and approved integrity, who shall meet at the council chamber, on the first Monday in March of each year, and revise the tax list returned by the assessor, and reduce them wherein, in their opinion, the valuation is too high, and increase them where, in their judgment, the values are too low, and assess all persons, corporations, and property not listed with the assessor upon such proof and estimates as they can get; but when they shall be of opinion that the valuation is too low, or shall make any assessment on persons or property not listed, they shall, before finally increasing the value, or make any additional assessment, fix on a day not later than the third Monday in April, to hear any reasons which the party to be affected may offer against such increase, or additional or new assessment, and cause such person to be notified by the marshal, or any officers of said city or court of Kentucky; and upon the day fixed, or as soon thereafter as it can be reached, they shall hear the case, and, whether any such person appear or not, determine whether it shall be increased, and how much, and what persons or property was not assessed, and assess same, and the decision shall be final. They may hear any competent evidence, and summon persons and officers of corporations to appear before them, and give in their list of property, and compel them by attachment, and to that end may administer oaths to witnesses. They shall report to the council all who fail to appear, and the council, in its sound discretion, may, in the name of the city, cause the city attorney to institute suit in the Daviess circuit court to compel such persons to disclose what property, and its value, that they have failed to list for taxation.

§ 6. All taxes assessed by the common council shall be due and payable on the first day of April in each year; and if not paid by the first day of August of the same year, two per centum shall be added to and collected on each tax list for

1876. each month therefor not to exceed ten per cent., and tithe or part thereof not paid by that time; and upon the aggregate balance not paid by the collector to the treasurer within five days thereafter, the treasurer shall charge the collector said additional per centum each month, and shall settle with him on that basis; and the common council shall not have power to release said per centage, or any part thereof, nor to increase the compensation of the collector after he has qualified as such; they shall allow him a credit for delinquents whose tax cannot be collected, but not until he shall have rendered a delinquent list showing, by his statement appended to each list and sworn to by him, that he has used proper diligence to collect, and has failed to collect, and in no case shall he be credited by resident delinquents unless it appears from his affidavit that he has visited his or their place of abode and found nothing to distrain; and after carefully examining such list, it may be allowed by the council; but no delinquent list can be credited by the council unless made out by the collector and presented by the first day of November in the year the taxes are assessed.

§ 7. The common council shall not have power to exempt any person legally chargeable with taxes from the payment of the whole or any part thereof except as follows: They may release old, afflicted, or indigent persons and firemen from the payment of capitation taxes, and they may, in their sound discretion, release or extend the time for the payment of taxes upon the homestead and personal property owned by widows. The council may also extend the time of the payment of taxes on real estate for such period as they may see fit.

§ 8. The common council shall have authority, in the month of March or April in each year after this act takes effect, to levy upon and cause to be collected from the inhabitants of and the owners of real estate situated in the city of Owensboro, and the capital employed in trade in said city, an annual tax on their property, rights, and effects, and capital in trade enumerated in the first section of this article, not exceeding the rate of seventy-five cents on each one hundred dollars of its cash value, on the tenth day of January in each year, and on capital employed in trade in said city, and a capitation tax not exceeding two dollars on each male person

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Over twenty-one years of age domiciled in said city on the said tenth day of January, for the purpose of providing a general revenue for said city for municipal purposes; and an annual tax not exceeding the rate of one dollar on each one hundred dollars of its cash value at the same time, and also a capitation tax not exceeding two dollars and fifty cents on each male over twenty-one years of age, for the purpose of paying the principal and interest of the bonds issued by the city for stock in the Owensboro and Russellville Railroad Company; and a like annual tax not exceeding the rate of twenty-five cents on each one hundred dollars of its cash value, to pay the principal and interest of the bonds issued by the city for the establishment of public schools in the city, and such bonds as may hereafter be issued for the same purpose; and an annual tax not exceeding the rate of thirty cents on each one hundred dollars of its value at the same time; and an annual capitation tax not exceeding two dollars on each white male over twenty-one years of age domiciled in said city on the said tenth day of January in each year, for the purpose of defraying the current annual expenses of conducting said schools; but the aforesaid taxes for school purposes can only be levied on the persons, estate, property, and capital of white persons, and upon corporations, the property of negroes being exempt from all taxes for purposes connected with public schools; and the city shall have a superior lien on all the property so taxed, and all the property, money, choses in action, debts, and demands belonging to those chargeable with said taxes, until said taxes shall have been paid, subject only to the lien of the Commonwealth of Kentucky for revenue taxes.

§ 9. The common council shall fix the compensation of the collector of taxes for collecting taxes; and said collector, before entering upon the duties assigned him, shall, before the council, enter into a covenant to the city of Owensboro, with security, to be approved by the council, conditioned that he will faithfully discharge the duties of collector for the city of Owensboro, and that he will collect and pay over to the treasurer of said city, or other person entitled thereto, all the taxes, levies, and assessments which have been, or may be, made upon the property, and capital or inhabitants of the city, by the time the law requires him to do so, which bond,

1876. when entered into, shall be carefully copied on the journals of the council, and filed away and preserved by the clerk; and the sureties of the collector shall, in the aggregate, be worth, in unencumbered real estate, situate in the city or county of Daviess, to which they have the legal title, a sum sufficient to cover the entire amount of funds which will pass through his hands. If the members of the council shall take security which is insufficient at the time it is taken, the members thereof shall be personally liable to the city, or other person sustaining loss, for any loss sustained, except that if it shall appear from the journals that any member objected to the bond, he shall be exonerated from liability. The common council shall, at any time that they may entertain doubts of the solvency of his securities, require him to give a new and sufficient bond, and after reasonable notice given to him by the acting mayor, remove him, and suspend his powers, if he fail to do so, and appoint another, and his power to act shall cease by the order of removal.

§ 10. The clerk of the common council shall, by the first day of May in each year, deliver to the collector so qualified a copy of the assessor's book, which it shall be his duty to make in a fair hand; and upon the receipt thereof he shall be authorized to receive the taxes assessed thereon, and after that time he may proceed to levy upon and distrain property to pay the same; and when he shall levy upon or distrain property, he shall collect and retain such fees as the council shall, by ordinance, prescribe, in addition to his commissions allowed for collecting. He may levy upon and sell real estate when he can find no personal property to make the taxes, and in doing so he shall be governed by the rules regulating sheriffs in the levying of executions on real estate and the sale thereof, except that he shall sell for cash; and no valuation need be made, nor is any homestead exempt; and he shall deliver to the purchaser a certificate giving a description of the property, and showing the amount of taxes assessed, and costs due thereon, for which it was sold, the amount bid by the purchaser, by whom, when, and at what price it was purchased, which certificate the purchaser shall deliver to the clerk of the county court, who shall record the same in the deed-book in his office, and index it as deeds are indexed; and he

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shall receive the sum of fifty cents for recording the same, and the owner of said property may redeem the same by paying to the purchaser the amount bid, and the cost of recording the certificate, and any other taxes paid thereon by him after sale, and fifty per centum thereon if redeemed in two years, and if not redeemed in two years, the purchaser's title shall become perfect, and the certificate so recorded shall operate a transfer of a perfect title to the purchaser, and the collector shall convey, in all respects, as sheriffs now convey. The common council may designate an officer of the city to attend all sales of property sold for taxes due said city, who shall, if no other person will bid an amount sufficient to pay the taxes, and all fees, costs, and penalties accrued, bid in the property for the city; and the city shall hold such property bid in as any other purchaser, and hold it subject to the same rights and restrictions.

§ 11. The collector shall proceed, without unreasonable delay, to collect all the taxes assessed for the year, and keep the account of the different kinds of taxes collected separate, pay them over to the treasurer, or other person entitled thereto, taking his receipt, specifying the different kinds of taxes paid to him, and the treasurer shall enter them on his books in the same way, and on the first day of November after the tax-book shall have been placed in his hands. He shall be bound for the whole amount of taxes, and the per centage thereon, after deducting his commissions, payments, and credits for delinquents. He and his sureties shall be liable therefor; and if he fail to pay on demand of the treasurer, or other person entitled thereto, the said balance, with the penalty herein provided added thereon, may be recovered, jointly or severally, against him and his sureties, or any of them, upon the motion or action of the city in the Daviess county court, ten days' previous notice having been given to those against whom the recovery is had, if the procedure be by motion, and the judgment rendered shall have the legal effect of a replevin bond; and one recovery shall not bar other recoveries for other or different collections, nor for deficiencies discovered after the first suit may be brought; nor shall a recovery against a part of the obligors bar a recovery for the same cause of action against others; and the covenant shall not be.

1876. discharged, nor an action or motion thereon barred, until he has fully paid over all the funds which came to his hands.

Collector liable for wrongful levy.

§ 12. The collector may enforce his lien for taxes upon choses in action by delivering a tax receipt to the debtor of any one from whom taxes are due, for the amount of taxes due, or any part thereof, and the same shall be a valid receipt to such debtor against the person owing such taxes for the amount due and paid by the debtor to the collector; and if the debtor refuse to pay to the collector the amount of taxes, or such part thereof as he may owe to him who owes the tax, upon the offer of the collector to give him such receipt, and being notified that his creditor owes such taxes, the collector may sue such person and recover said taxes, to the extent that he is indebted to the person owing the taxes, and five per centum thereon, and his costs, in any court having jurisdiction of the amount, without making the tax-payer a party; but if such collector shall so collect taxes which are not due, he and his sureties shall be liable to the persons against whom they were claimed to be due for double the amount so collected and costs, recoverable in any court having jurisdiction.

Council may allow increased compensation for prompt collections.

§ 13. The common council may allow the collector increased compensation for prompt payment, and diminished compensation for tardy payment, in fixing his compensation, and such arrangement shall be obligatory on the city and on the collector and his sureties.

How personal property distrained.

§ 14. The collector, in levying upon, distraining, and selling personal property for taxes, shall be governed by the same rules that constables and sheriffs are in levying executions on and selling similar property, except that the sale shall be made for cash; and no property shall be exempt from such distraint except a single bed and wearing apparel.

Council may change form of assessor's book.

§ 15. The common council may by ordinance change the form herein prescribed for the assessor's book, if they shall see fit, so as to make the same more effectually and conveniently to exhibit the various values subject to taxation, and so as to ascertain any other facts they may deem necessary or desirable. They may also change the time of assessing, collecting, and paying over taxes, or either; they may also change time of appointing collector.

Election of treasurer & his duties.

§ 16. The common council shall annually, at the first regular meeting after the new councilmen are elected and

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qualified, elect a treasurer, who shall hold his appointment for one year and until his successor shall have been elected and qualified. The treasurer shall receive and safely keep all moneys belonging to the city or school board, from whatever source received, or for whatever purpose; but he shall open and keep a separate account of all the different taxes collected and paid to him. The taxes for "general revenue" purposes shall be credited "City Revenue," and when paid out for the general expenses of the city, shall be charged to that fund. The tax collected, for the payment of the principal and interest on the bonds issued by the city to aid the Owensboro and Russellville Railroad, shall be credited to the "Owensboro and Russellville Railroad Fund;" and all payments made, either on the principal or interest, or in redemption of these bonds, shall be charged to that fund. The taxes collected to pay the principal and interest on the bonds issued to establish public schools in the city, and other funds for like purposes, shall be credited to "The School Bond Fund;" and all payments of principal and interest, or in redemption of these bonds, or others issued for like purposes, and all other payments lawfully made from the fund, shall be charged to said fund; and all taxes collected for the purpose of defraying the current annual expenses of the public schools shall be charged to the "Current School Fund;" and all payments made on the order of the board of trustees shall be charged to that fund, unless there shall be other funds placed to the credit of the "School Bond Fund," subject to their order, for the purpose of paying for improvements, buildings, repairs, rent, or furniture, or to refund the amount so paid by them, in which case it shall be charged to the "School Bond Fund." And the common council shall not have power to appropriate either the "Railroad Fund," "School Bond Fund," or "The Current School Fund" tax to other purposes than those for which they were collected, until the purposes for which they were respectively collected shall have been accomplished; but they may, from time to time, cause any surplus collected for the purpose of paying the principal and interest on the bonds of the city to be invested in the purchase and retirement of the bonds for the payment of which the taxes were collected. The "Current School Fund" shall only be paid on the order of the board of trustees.

Mode of keeping his accounts.

Council cannot change the application of the funds from the purposes for which they were levied.

May purchase city bonds with surplus funds.

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Treasurer to
publish monthly
statement.

§ 17. The common council may make, and cause the treasurer to make out and publish, in one of the newspapers of the city, monthly statements of the balances of the receipts and disbursements of each of these funds, showing, in general terms, the sources from which the receipts were derived, and the purposes for which the disbursements were made.

Treasurer to
give bond with
surety.

§ 18. The treasurer, before entering upon the duties of his office, shall enter into a covenant with the city of Owensboro, with sufficient surety, to be approved by the common council, to the effect that he will receive, keep, account for, and disburse and pay over to those entitled to the same, all the moneys and effects which may come to his hands during his term of office, and that he will pay over to his successor any funds that may be in his hands at the expiration of his term, which bond shall be acknowledged by himself and sureties before the common council, shall be entered by the clerk on the journal, and carefully filed away and preserved; and his sureties shall be worth, in the aggregate, the sum equal to the amount which shall pass through his hands in unencumbered real estate in Owensboro or Daviess county; and the members of the common council shall be individually and personally responsible if the sureties of the treasurer were insufficient at the time they were accepted: *Provided*, That any member who may cause it to be entered on the journal that he objected to the surety or sureties shall be exonerated from personal liability. The city of Owensboro, or any one injured by reason of the treasurer's failing to make proper entries, or pay money which he was lawfully bound to pay, may recover same, with ten per cent. damages added against him and his sureties, or any of them, by action or motion, ten days' previous notice being given, if by motion in any court having jurisdiction; and the judgment, when recovered, shall have the force and effect of a replevin bond; and there may be as many recoveries as there are breaches of the bond, and one recovery shall not bar another unless for the same cause of action.

Members of
council personally
liable for tak-
ing insufficient
bond.

Those objecting
to bond not re-
sponsible.

Mode of re-
covery on bond.

Council may re-
quire additional
surety.

§ 19. The common council may at any time that they doubt the sufficiency of the treasurer's bond require him, on reasonable notice, to give another bond, with additional surety; and if he fail to do so, they may remove him and elect another; or if, from any cause, they shall deem him incapable of prop-

erly discharging the duties of the office, they may, upon like notice, remove him and elect another.

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§ 20. The common council shall pay him a reasonable salary for his services, to be fixed at the time and in the manner that the salaries of other officers are herein provided for. The common council may, if it shall deem it safe to do so, order the treasurer to deposit any surplus funds in his hands at interest in either of the banks now established and doing business in the city of Owensboro; and in the event of their doing so, the treasurer shall not be responsible for the default of the bank in which such deposit was made.

Treasurer's salary.

Council may order surplus money to be deposited with banks at interest.

§ 21. The common council shall have power, from time to time, further to regulate by ordinance the duties of treasurer, and to impose additional duties upon him, not inconsistent with the duties of this charter.

ARTICLE 6.

Elections.

§ 1. All persons who are qualified voters under the Constitution of Kentucky and of the United States, and who shall have resided in the ward in which they may offer to vote for sixty days previous to the day of election, shall be entitled to vote for mayor, councilmen, police judge, and marshal of Owensboro, and all other officers elected by the popular vote of said city, and on all other questions submitted by the common council to the qualified voters of the city of Owensboro.

Qualifications of voters in the city.

Must have resided in ward 60 days.

§ 2. The elections for mayor and councilmen shall be held at the times hereinbefore designated; and the police judge shall be elected on the first Monday in April, 1876, and hold his office until August, 1878, and on the first Monday in August, 1878, every fourth year thereafter, and shall hold his office for four years, and until his successor is elected and qualified. The marshal of the city of Owensboro shall be elected on the first Monday in April, 1876, and hold his office until 1st day January, 1879, and on the first Monday in August, 1878, every two years thereafter, and shall enter upon the duties of his office, immediately after qualifying after his election in April, 1876, on the first day of January next after his election in August, 1878, and his election thereafter, and shall hold his office for two years, and until his successor is elected and qualified.

Police judge to be elected first Monday in August, and elected for four years.

Marshal to be elected 1st Monday in August.

Enter on his duties first day of January after his election.

To hold his office two years.

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Mayor and council to have power to fill vacancies in office of police judge and city marshal.

If a vacancy in office of mayor, mayor pro tem. to act.

Mayor pro tem. invested with all powers of mayor whilst acting.

If as much as six months intervene before a regular election, common council to order a special election for mayor.

If less than six months intervene, mayor pro tem. to discharge duties of mayor till regular election.

Council to designate by ordinance a voting place in each ward.

No person permitted to cast his vote in any other ward than the one he lives in.

Vote in all elections to be viva voce.

Hours of election from seven in morning to six in evening.

Laws punishing illegal voting at State and county elections to apply to voting in the city.

Mayor to issue proclamation calling election ten days before day of election.

Proclamation to name the officers to be elected or questions to be submitted.

§ 3. The mayor and common council shall have power to fill any vacancy which may exist in the office of police judge or marshal of the city after this charter shall take effect, until the next regular election, by a vote of a majority of the members of said common council. If a vacancy shall occur in the office of mayor, the mayor *pro tem.* shall discharge all the duties and be invested with all the powers conferred upon the mayor by this charter, until the vacancy shall be otherwise filled. If as much as six months' time intervenes between the occurrence of such vacancy and the next regular election for mayor, the common council shall order a special election to be held at the voting places in the several wards, at such times as they may designate, to fill such vacancy; and the person elected shall hold the office until the next regular election, and until his successor therein chosen shall qualify. If less than six months shall intervene between the occurrence of such vacancy and the next regular election, the mayor *pro tem.* shall discharge the duties of the office until the mayor chosen at the next regular election shall qualify.

§ 4. The mayor and common council shall provide and designate by ordinance a voting place in each ward of the city, at which places all elections provided for in this charter shall be held; and no person shall be permitted to cast his vote in any other ward than that in which he shall have resided for sixty days previous to the day of election, whether such election be a regular or special election. The vote shall be cast *viva voce* at all elections under this charter; but deaf and dumb persons shall vote by ballot.

§ 5. All elections by the qualified voters of the city shall be held between the hours of seven o'clock in the morning and six o'clock in the evening.

§ 6. All laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting in the city of Owensboro for any officers, subject to all the provisions of this charter touching the qualifications of the voter.

§ 7. Previous to all elections held under this charter the mayor shall, by proclamation, issued ten days before the day of election, notify the qualified voters of the pending election, and the time and place of holding same, naming the officers

to be elected, or the questions to be submitted; and said elections shall be conducted in the same manner that similar elections are conducted for State, district, and county officers, except that the common council shall appoint the sheriffs, clerks, and judges of said elections, and as far as possible make an equal distribution of the appointments from the different political or local parties contesting in the elections. The officers so appointed shall take the same oath that similar officers appointed to conduct State, district, and county elections are required to take, and they shall have the same powers and duties to perform.

§ 8. When in elections by the qualified voters of the city, or of any ward, two or more candidates are equal and highest in votes for the same office, the election shall be determined between them by lot, in such manner as the common council may direct, and in the presence of not less than three persons.

§ 9. The common council shall judge of the qualifications, elections, and returns of its members; and cases of contested elections for any city office shall be heard and determined by the common council under such rules as may be prescribed by ordinance.

§ 10. The officers of elections shall return the poll-books certified by them to the clerk of the common council; and on the second day after such election the common council shall meet and cause the vote to be counted, and declare the result by ordinance entered at large on their journals, and cause the clerk to deliver to persons elected certificates of election.

§ 11. Should the common council fail to appoint officers, or when appointed, should such officers fail to attend for thirty minutes after such election should have been begun by the order of the common council, or attending, should fail or refuse to act, then the mayor, or in his absence the mayor *pro tem.*, shall appoint such officers as are herein required to act, or should such officers have been appointed, and any of them fail or refuse to act, then the officer or officers who have been appointed, and do attend, may fill such vacancies; and the officers thus appointed shall constitute the board of officers for that ward, and proceed to hold such election.

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City elections to be conducted as State elections are.

Common council to appoint sheriffs, clerks, and judges of election.

Officers of election to be distributed equally between contending parties.

Officers of election to take an oath.

In case of tie, the election to be decided by lot.

Council to judge of the qualifications and returns of members.

Contested elections to be determined by council.

Officers of election to return poll-books to clerk of council.

Common council to count vote.

If council fail to appoint officers of election, or officers fail to attend, mayor to appoint.

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Council at first meeting to elect city attorney, clerk, assessor, collector, treasurer, physician, &c.

§ 12. Besides the officers herein provided to be elected by the people, the mayor and council shall, at the first regular meeting of the council after they shall have been elected and qualified, elect a clerk, treasurer, and all other necessary officers, who shall hold their respective offices one year, unless sooner removed as herein provided.

ARTICLE 7.

Ministerial and Other Officers.

Marshal to be a peace officer and commit to jail any one violating State or city penal laws.

§ 1. The marshal of the city of Owensboro shall be a peace officer, and the chief ministerial officer of the city court; and shall arrest and commit to jail any and all persons whenever he finds them violating any of the penal laws of the State or city.

Jailer of Daviess county to receive prisoners from marshal or policemen.

§ 2. The council shall have the power to erect and control a city station-house, and appoint a keeper thereof; and it shall be the duty of the keeper of said station-house to receive from the marshal and policemen of Owensboro all prisoners arrested by them; and if the city court is not in session, he shall keep them safely in said station-house until ordered out by said court.

Warrants and process from city court to be directed to marshal.

When marshal sick or under disability to be directed to sheriff or constable.

Marshal to attend meetings of city court and council.

Marshal allowed same fees as constables and sheriffs, to be collected in same manner.

§ 3. All warrants and process of every description issuing from the city court shall be directed to, and executed by, the marshal, except when he may be absent, sick, or under some disability, when they may be directed to, and executed by, the sheriff, any constable, or policeman.

§ 4. It shall be the duty of the marshal to attend punctually upon the meetings of the city court and council, and touching the business of said court, and all business of the city, and notify the city judge and attorney of all trials; and he shall perform all the duties that would otherwise devolve upon the constable or sheriff by law; and for such services shall be allowed the same fees which are now allowed to constables and sheriffs by law, and said fees may be collected in like manner as fees of said officers.

To have power to execute warrants, &c., in civil matters.

§ 5. The marshal shall have power to execute warrants, and collect debts in civil matters, as constables are now allowed to do.

May execute notices, &c.; his jurisdiction co-extensive with Daviess county.

§ 6. May execute all notices of every description, and subpoenas issuing from any court in Daviess county, and his jurisdiction shall be coextensive with Daviess county; and in

all such matters the marshal shall be allowed the same fees that sheriffs or constables are now allowed for similar services, which shall be paid in like manner.

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§ 7. The marshal shall furthermore perform all the duties that may be required of him by the board of common council; and said board shall, by ordinance, fix the fees for any such services, and provide the payment of the same.

Marshal to perform all duties required by council; fees for such service to be fixed by council.

§ 8. The marshal may appoint one or more deputies, in the same manner and under the same responsibilities that sheriffs may.

Marshal may appoint deputies.

§ 9. The marshal shall execute in the Daviess county court a bond, with the same covenants, and to be taken and approved in the same manner, as constables' bonds are now by law; and in addition thereto he shall, on or before the first Monday in January next after his election, execute to the city a bond for the faithful discharge of his duties, and to pay over all moneys received by him for the city into the hands of the city treasurer, and it shall be the duty of the common council to meet at any time he may request for that purpose; and upon his bonds the marshal shall be liable in the same manner, and to the same extent, as constables are now liable by law on their bonds, to the same penalties, to be recovered in the same manner and before the same courts.

Marshal to execute bond in county court.

Execute bond to city for faithful discharge of duty.

§ 10. It shall be the duty of the marshal especially to suppress all fights, riots, and breaches of the peace, and to apprehend and take before the city court, or to jail or the city station-house, all rioters, disorderly persons, and disturbers of the public peace in said city, and persons found drunk and uncared for or exposed in said city, and all persons in the act of committing any offense indictable by the laws of the State, or fleeing from justice after committing any such offense; and if he deem it necessary for that purpose, he may call to his assistance all bystanders and other persons in the vicinity; and such bystanders and other persons so summoned by the marshal, who shall fail or refuse to give the necessary assistance, shall be punished for such failure or refusal by such fines and penalties as the common council may by ordinance determine.

His duty to suppress fights, riots, and breaches of peace.

To arrest persons found drunk and uncared for, and persons committing offenses or fleeing from justice.

May call to his aid bystanders.

Bystanders who refuse assistance to be fined.

§ 11. Before entering upon the duties of his office the marshal shall take an oath or affirmation, to be administered by the mayor, that he will well and truly discharge the duties of

Marshal to take oath before mayor.

1876. his office during his continuance therein; and deputy marshals shall take similar oaths or affirmations. If the marshal fails to execute covenant as herein prescribed, with good surety, and to take the oath of office within thirty days after his election, the common council shall by ordinance declare said office vacated, and shall take steps to have same filled as hereinafter provided.

If he fails to execute bond in thirty days after 1st day January after election, office may be declared vacant.

SUBDIVISION 1ST.

City Treasurer.

Treasurer to receive and safely keep all money of city, and pay out same.

§ 1. It shall be the duty of the city treasurer to receive and safely keep all money belonging to the city, and to pay out the same under appropriations made by the common council; and he shall only pay out money upon warrants drawn by the city clerk, and countersigned by the mayor.

To keep account of receipts and expenditures of city.

§ 2. He shall keep a fair, full, and accurate account of all receipts and expenditures of the city, showing when, from whom, or to whom, and for what purpose, and on what account, such moneys were received and paid out.

Must make out report to be presented to council.

§ 3. He shall make and exhibit to the board of council, at their last regular meeting in the month of November in each year, and at such other times as the board of council may require, a full statement of the receipts and expenditures of the city, showing from whom money has been received, and to whom paid, during the previous twelve months, or in any other period since he came into office; and of the state and condition, for the time being, of the treasury and fiscal concerns of the city, which report shall be published as the council shall prescribe. He shall perform such other duties relating to said office as may be required of him by ordinance. He shall receive for his services such compensation as shall be prescribed by ordinance.

Treasurer's report to be published.

Compensation of treasurer.

May be removed for neglect of duty, &c.

§ 4. For malfeasance or misfeasance in office, or any omission or neglect of duty, the treasurer may be removed from office by the common council.

After his term of office expires, to deliver to his successor, or person entitled thereto, public moneys, books, &c.

§ 5. The treasurer, after the expiration of his term of office, or upon his removal or resignation, shall deliver to his successor, or to such person as the board of council may direct to receive them, all the public money, books, property, or effects under his control belonging to the city of Owensboro.

SUBDIVISION 2D.

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City Clerk.

§ 1. It shall be the duty of the city clerk to keep a fair and correct record, in such books as may be designated by ordinance, of all the official acts of the mayor, and of the proceedings, ordinances, laws, and resolutions of the common council; keep and preserve in his office the seal of the city, records, papers, and draughts of the city not properly belonging to any office; to prepare papers and copies from his office, and take records thereof for publication; and to perform such other duties as the common council may by ordinance require, and receive for his services such salary as it may allow, to be fixed as other salaries, and at the same time and place.

Clerk to keep records, proceedings of council, and official acts of mayor.

To keep seal of city.

To make out copies of record.

§ 2. There shall be elected by the qualified voters of said city, on the first Monday in December, 1876, and on the same day every two years thereafter, one city attorney, one city physician, one city assessor, and one city collector, who shall hold their offices, respectively, for the term of two years, and until their successor has been elected and qualified; said election to be held at the regular voting places in each ward fixed by the council, and in the same manner as other elections for city officers; and said officers shall qualify in thirty days after their election, and receive their certificate of election as required by the charter and ordinances of said city; and upon their failure to do so, same shall be declared vacant, and filled by appointment by the council until the next regular election in December following for city officers.

§ 3. No person shall be eligible to the offices of city attorney, assessor, collector, or physician, who is not, at the time of his election, a qualified voter and bona fide resident of the city for at least one year next preceding his election, nor until he shall have had a settlement with the city of all taxes and other indebtedness or liability due from him to said city, and obtained proper receipt or quietus; and any of these officers who shall, after his election, move from said city, or do any act which would have rendered him ineligible to such office, shall thereby vacate his office. No person shall be eligible to the office of city attorney unless he shall have been a licensed practicing attorney for at least two years next preceding his election. No person shall be eligible to the

1876. office of city physician unless he shall have been a regular practicing physician for at least two years next preceding his election.

§ 4. Any one or all of the foregoing officers may be impeached by the common council for drunkenness, neglect of duty, malfeasance or misfeasance in office, in the same manner as other city officers, upon ten days' notice, in writing, stating the cause, from the common council, by order of same.

§ 5. It shall be the duty of the city attorney to attend all the meetings of the council; act as legal adviser of same; attend to and prosecute and defend for the city all suits in the inferior and superior courts of this Commonwealth while in office; draft all ordinances and contracts when required by the council; prosecute all cases in the city court for violations of the laws and ordinances of said city; and perform such other duties as the council may prescribe by ordinance; and receive for his services such salary as the council may allow, to be fixed at first meeting in November, 1876, and every two years thereafter, and in addition thereto, and ten per cent. on all fines assessed by the city court and collected.

§ 6. It shall be the duty of the city physician to attend to the patients in the city pest-house or poor-house, and any and all paupers of the city of Owensboro, and upon all persons who he shall be ordered to attend by the city council, mayor, or pauper committee, and perform all other duties that may be required of him by ordinance, and receive for his services such salary, to be fixed at the first regular meeting in November, 1876, and at same time each two years thereafter, as the common council may allow.

ARTICLE 8.

City Court.

City court to be presided over by a single judge.

§ 1. The judicial power of the city of Owensboro shall be vested in, and exercised by, a court to be styled the city court of Owensboro; said court to be presided over by a single judge, to be elected and qualified as hereinafter provided.

City court to have exclusive, original jurisdiction for prosecutions for violations of ordinances, &c.
City court to be open every morning.

§ 2. Said court shall have exclusive original jurisdiction of all actions and prosecutions for the violations of the by-laws and ordinances of said city, whether the offender be summoned or arrested in Owensboro, or elsewhere in Daviess county; and to hear and determine such cases, said court shall be open every morning at nine o'clock, Sundays ex-

cepted; and all such cases shall be tried without the intervention of a jury.

§ 3. The city judge shall be clerk of his own court, keep a docket, enter judgments, and issue executions and other process as now provided by law for justices' courts. He shall issue, as judge of said court, all warrants, subpoenas, writs, and other process necessary to enforce the laws of said city, as provided by the ordinances of the same. He shall issue *capias pro fines* on fines, mittimus; and may fine for contempt of court whilst court is in session; and is invested with all powers for preserving order and protecting the court that justices of the peace are by law; and shall have the power to compel the marshal or any officer attending his court to notify the city attorney of the trial of any action, and enforce same as in cases of contempt.

§ 4. In case of the absence or disability of the city judge, or of a vacancy in the office, it shall be the duty of the mayor to hold the city court, and at such times he shall have and exercise all the powers herein granted to the city judge.

§ 5. Either party may appeal from the judgment of the city court to the Daviess quarterly court, where the amount sought to be recovered exceeds six dollars, or may appeal to the circuit court of Daviess county, where the amount sought to be recovered is forty dollars or more, and not otherwise; and either party may appeal from the decision of the quarterly court to the Daviess circuit court, where the amount originally sought to be recovered exceeds ten dollars; and this shall apply to fines assessed by the city court, and the city shall have the same right of appeal.

§ 6. Said judge shall also have the power to issue warrants, in the name of the Commonwealth, in cases of felonies and misdemeanors, and in such cases may sit as a court of inquiry, try, acquit, commit, or bail prisoners in conformity with the laws of the State of Kentucky, and shall be governed by the same rules, and exercise the same powers, that two justices of the peace might in such cases; and he shall, when the defendant in civil cases resides in Owensboro, have the same jurisdiction that a justice of the peace now has.

§ 7. He is authorized to administer oaths; and all copies and transcripts from his office, when certified by him, shall be evidence in the courts of this Commonwealth. The civil terms of the city court shall be fixed by the Daviess county

1876.

Cases to be tried without jury.

City judge clerk of his own court.

May enter judgments, issue executions, *capias pro fines*, mittimus, &c.

May fine for contempt of court, &c.

Mayor to hold city court in case of absence or disability of judge or vacancy in office.

Appeals from city court to quarterly and circuit courts.

City judge to have power to issue warrants, to sit as a court of inquiry, and commit or bail prisoners; has the power of two justices of the peace.

In civil actions, where defendant resides in city, has power of a justice of peace.

City judge has power to administer oaths.

Certified transcripts from his office to be evidence.

1876.

Civil terms of city court to be fixed by Daviess county court.

Appeals taken in same manner as from justices' courts.

Fees of city judge—how regulated and collected.

court in the same manner as justices' courts, and from his judgments rendered at such terms either party may appeal in the same manner as from a justices' court.

§ 8. In all cases wherein the city judge shall sit as an examining court he shall receive the same fees that are now allowed by law to two justices of the peace in similar cases, to be paid in the same manner; and in all civil cases in his court he shall receive the same fees that are now allowed to justices of the peace in similar cases, to be collected in the same manner. In all cases of the breaches of the ordinances of the city, the fees of the judge shall be regulated by the common council by ordinance.

§ 9. Offenders against the penal ordinances of the city of Owensboro may be arrested by the marshal of the said city, or any deputy or policeman of said city, either with or without a warrant, and brought before the city court for trial, or, if said court be not in session, committed to the city station-house to await such trial.

Offenders against penal ordinances to be arrested by marshal or policemen, with or without warrant and lodged in jail or station-house to await trial.

§ 10. In case of a vacancy in the office of city judge, it shall be the duty of the common council to fill such vacancy by the appointment of a successor, to serve until the first Monday in August following, when an election shall be held to fill such vacancy, and until his successor shall be elected, commissioned, and qualified. The city judge, before entering upon the duties of his office, shall take an oath or affirmation, before some one competent to administer the same, that he will support the Constitution of the United States and of the State of Kentucky, and faithfully to perform the duties of his office.

In case of vacancy in office of city judge, duty of council to fill till the 1st Monday in August following.

City judge, before entering upon his duties, to take an oath.

§ 11. In addition to the fees now allowed as compensation to the city judge, he shall be entitled to an annual salary of three hundred and fifty dollars, payable quarterly, out of the city treasury of said city. That in all cases of fines imposed by the judgment of the city court, the defendant shall, until said fines and costs be paid, be committed to the city station-house by said court, as provided by law in other cases of fines recovered before other officers, and stand committed until said fine is paid or replevied, at the rates of one dollar and fifty cents per day; and the mayor and council are hereby authorized to provide by ordinance for the employment of such prisoners upon any work being done by order of said city during

Salary of city judge \$350 in addition to regular fees.

the time of said commitment, and may during such time compel his services as aforesaid; and said services, when rendered, shall liquidate said fine and costs.

1876.

ARTICLE 9.

General Provisions.

§ 1. All officers and agents employed by or by authority of the board of common council, shall be allowed and paid such reasonable fees or compensation as the said common council may deem proper.

§ 2. No mayor or councilman, or other officer elected by the people, during his continuance in office as such, shall be eligible to the office of clerk, treasurer, collector, or attorney for the city of Owensboro, or be a party to, or directly or indirectly be interested in, any contract made or entered into by or with the common council, for in behalf of the said city of Owensboro.

§ 3. Upon the failure of any person to qualify for the office to which he shall have been elected or appointed in the manner herein provided, and in such manner as may be prescribed by ordinance, where such power is herein given to the common council, for the space of twenty days after his said election or appointment, his office shall be declared vacant by resolution of the common council, without notice, and the said office shall be filled in the manner herein provided for filling vacancies.

§ 4. The common council may, at any time when they deem the same advisable, require of such officers, agents, appointees, or contractors with or of the city, who are herein, or may by ordinance be, required to execute bond or covenant, with surety to the said city, to give new and additional surety; and upon failure to execute a new bond, or give the new and additional surety, such offices, agencies, appointments, and contracts may, by order of the common council, be declared vacant: such officer, agent, appointee, or contractor first having had ten days' notice of the requirement of the common council, and the intention to vacate or declare vacant such office, agency, appointment, or contract, if said requirement is not complied with, which notice shall be drawn by the city attorney and executed by the marshal.

§ 4. All officers of the city of Owensboro, before they enter on the duties of their respective offices, shall, in addition to

1876. the oath required by the Constitution of this Commonwealth, take, in substance, the following oath or affirmation, to-wit: I do solemnly swear (or affirm) that I will faithfully perform the duties of the office of the city of Owensboro according to law. And said oath or affirmation shall be administered by the mayor, city judge, or any officer of the city, county, or Commonwealth authorized by law to administer oaths.

§ 5. The common council shall, at their first regular meeting in the month of November, fix the salaries of all officers, however elected, for the ensuing year, which salary shall not be increased or diminished during the term of office; but said salary may be increased or diminished on the first meeting in November preceding the election of any and all officers, the salaries of whom shall be fixed by common council; but nothing in this section shall apply to members of the common council, who shall vote themselves an allowance, not three dollars per diem for each day they shall actually meet and serve as councilmen.

§ 6. All ordinances of the city of Owensboro now in force, and not in conflict with this charter, shall remain and continue in force until repealed by the common council.

§ 7. All laws of the Commonwealth inconsistent with this act are now and hereby repealed.

§ 8. All laws vesting rights in or imposing duties upon the city of Owensboro, not herein repealed, shall remain in force until specially repealed by the General Assembly of this Commonwealth.

§ 9. The jurisdiction of the mayor and common council and all other officers of the city of Owensboro shall extend for one half mile beyond the limits of the city.

§ 10. No by-laws or ordinances of a penal nature shall be passed by the mayor and council without being publicly read at one meeting, and laid over until the next regular meeting, and again publicly read, when the vote upon the passage of same shall be by the yeas and nays, and entered on the record; and all such by-laws and ordinances shall take effect from and after their passage, and when they have been published twice in a weekly newspaper published in said city.

§ 11. To carry out the provisions of this charter the city of Owensboro may receive bequests, gifts, and donations of all kinds of property, within or without the city, in fee-simple

or in trust, for charitable or other purposes; and may do all acts necessary to carry out the purposes of such bequests, gifts, and donations, with power to manage, sell, lease, or otherwise dispose of same.

1876.

§ 12. The records of the city of Owensboro and all bonds and contracts executed to said city are hereby declared to be public records, and to be safely preserved and kept in the mayor's office, subject to public inspection during the business hours of the day, and copies thereof, certified by the mayor or city clerk, shall be evidence in all courts to the same extent that the original would be on due proof; and the city clerk is hereby required to furnish copies of same to any person or persons desiring them, upon the payment of the fees for said copy or copies, to be prescribed by ordinance.

§ 13. This act shall be a public act, and be judicially noticed and liberally construed by all courts in this State; and in pleading, it shall not be necessary to recite the by-laws and ordinances of the common council, but it shall be sufficient to refer to their date, title, and section. The rights and privileges herein granted shall not be taken away or affected by any law hereinafter made, unless the corporation herein created shall be expressly named therein; and the fact of any person being a citizen of the city of Owensboro shall not render such person incompetent as a witness or juror in any suit to which the said city may be a party.

§ 14. This charter shall go into effect from and after the time of its adoption by the qualified voters of the city of Owensboro, at an election held for that purpose at the regular voting places in the different wards of said city: *Provided*, That the assessment and levy for 1876 shall be made as required by the charter now in force, and the election therefor shall be held on the first Monday in April, 1876.

Approved March 6, 1876.

1876.

CHAPTER 391.

AN ACT for the benefit of Jane Thompson, Boyd county.

WHEREAS, The Governor of this Commonwealth remitted \$125 of a judgment for \$250 on a forfeited bail bond in the Boyd circuit court, against Benjamin Bornheim, surety for Joseph Thompson, but on account of the delay in the transmission of the remitter, the money was paid to the trustee of the jury fund, and accounted for by him. The money to make the payment was furnished Bornheim by Jane Thompson, a widow, and the mother of said Joseph Thompson; and whereas, there are doubts as to the authority to refund the money without special authority of law; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasury for the sum of one hundred and twenty-five dollars, in favor of Jane Thompson, payable out of any money not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 392.

AN ACT to incorporate the Three Forks of Grassy Creek, Knoxville, and Dry Ridge Turnpike Road Company, in Pendleton and Grant counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name. § 1. That a company shall be formed, under the name, style, and title of the Three Forks of Grassy Creek, Knoxville, and Dry Ridge Turnpike Road Company, for the purpose of constructing a turnpike road from the Three Forks of Grassy creek, in Pendleton county, to Dry Ridge, in Grant county.

Capital stock. § 2. The capital stock of said company shall be thirty thousand dollars; and the company aforesaid is hereby authorized to raise, by subscription, the sum aforesaid, to be divided into shares of twenty-five dollars each.

Commissioners to receive subscription. § 3. That books for the subscription of stock in said company shall be opened, at any time after the passage of this act, at Frake's store, Knoxville, and Dry Ridge, under the direction of Jesse Stith, William Bonar, John Cahill, Chris-

topher Weining, and William Stith, at Frake's store; J. T. Scott, T. J. Browning, J. H. Simpson, J. H. Johns, R. H. Kinney, and Geo. H. Norton, at Knoxville; John Landrum, G. W. Ecklen, Geo. Lemmon, S. A. Theobald, C. D. Lewis, J. W. Tucken, and O. P. Hogan, at Dry Ridge. That the commissioners appointed by this act to open books for the subscription of the capital stock of said company, or such of them as may act, shall procure one or more books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: We, whose names are hereunto subscribed, do promise to pay to the president, directors, and company of the Three Forks of Grassy Creek and Dry Ridge Turnpike Road Company the sum of twenty-five dollars for each and every share of stock in said company set opposite to our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company.

1876.

Obligation of stockholders.

§ 4. The books for the subscription of said stock shall remain open until the whole of the capital stock shall have been taken, or enough to complete the road; and persons may subscribe at any time until the books are closed.

§ 5. So soon as five thousand dollars in said company are subscribed, it shall be the duty of the commissioners, or such of them as may act, to give notice of a meeting of the stockholders of said company, to meet in Knoxville for the purpose of choosing officers; said notice to be published in the Falmouth Independent and Williamstown Sentinel for at least fifteen days previous to the day fixed for said meeting, at which election at least three of said commissioners shall be present, who shall proceed to take the votes of said stockholders, who shall have the right to vote by person or by proxy, each stockholder to have one vote for each share so held for a president and four directors, who shall hold their office for one year, and until others shall be duly qualified.

Directors—when elected.

§ 6. That said president and directors shall, before they enter upon the duties of their offices, take an oath before some judge or justice of the peace that they will faithfully, and to the best of their skill and ability, discharge the duties of president and directors of said company without fear, favor, or affection, according to law, a certificate of which oath shall be filed and kept with the records and papers of said company. That upon the qualifications of the president

Their powers and duties.

1876. and directors, that they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their offices during the pleasure of the president and directors of said company. The said president and directors shall have power and authority to take and require of the several officers by them appointed such bond or bonds as they may deem necessary and proper to secure a faithful discharge of the duties of their respective offices.

Corporate name
and power.

§ 7. Upon the election and qualification of the president and directors as aforesaid, they shall be a body-politic and corporate, in deed and in law, by the name, style, and title of the Three Forks of Grassy Creek, Knoxville, and Dry Ridge Turnpike Road Company; and by the said name the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; and of purchasing, taking, and holding, to them and their successors and assigns, and of selling and transferring and conveying in fee-simple all such lands, tenements, and estate, real and personal, as shall be deemed necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, in all the courts of this Commonwealth, or in every other place whatever; and to do all and every other matter and thing which a body-politic or corporate may do.

• Stock—how paid

§ 8. The said president and directors, upon their entering upon the duties of their offices, may call upon the stockholders for five dollars on each share of stock subscribed, and may make such call every sixty days until the whole amount subscribed shall be paid.

Annual elec-
tion—when held.

§ 9. The annual election of president and directors shall be held on the first Saturday in August in each year: *Provided*, No person shall be eligible to hold any office in said company who is not a stockholder at the time of election, and who has not paid all calls made by the president and directors of said company on the shares held by him; and no stockholder shall vote at any election unless the whole amount due and payable on the share or shares by him or her held shall have been paid agreeable to the requisition of the president and directors.

§ 10. Said president and directors shall fix and regulate the elevation and grade of the said road, the width of the part thereof to be covered with stone, also the thickness, and designate the points for the erection of toll gates.

1876.

Board to fix
grade and width
of road.

§ 11. The president and directors of said company shall deliver a certificate, signed by the president, and countersigned by the treasurer, to each shareholder for each share subscribed and paid for by him, her, or them, which certificate shall be transferable on the books of the company, in person or by attorney.

§ 12. The president may call meetings of the directors at such times and places as he may think proper: two of said directors and the president, or three of the directors in the absence of the president, shall constitute a quorum for the transaction of business. They shall keep a record of all their proceedings, to be entered in a book provided for that purpose, and they shall be signed by the president; and [in] case of the death or absence of the president, the directors shall elect a president *pro tempore*; and they may adjourn, from time to time, as they may think proper.

Directors—
their power and
duties.

§ 13. The president and directors shall have power and authority to agree with and appoint all such surveyors, engineers, and other officers and agents necessary to carry on the contemplated work; they may adopt such by-laws as may be necessary for the proper management and control of said work during its progress, and after its completion.

May employ
agents.

§ 14. The president and directors, and the engineers, chain-carriers, &c., in the employ of said company, shall have power and authority to enter in and upon the lands and inclosures and public roads through and over which the said intended road may be thought proper to pass; and to examine and survey the ground most proper for the purpose; and to examine the quarries, beds of stone, gravel, and other materials necessary for the completion of said road.

May enter on
lands, &c.

§ 15. The said president and directors shall have the right to survey, lay out, locate, and make their road through any improved or unimproved lands between the Three Forks of Grassy Creek and Dry Ridge; and to take from the land occupied by said road, when surveyed and located as aforesaid, or upon any land in the vicinity thereof, any stone, gravel, timber, or other material necessary to construct a good, secure,

Further power
in locating road.

1876. and substantial road, as contemplated by this act: *Provided*, The said material have not been previously quarried or prepared or otherwise appropriated; and in any case any difference shall arise between the owner or owners of any ground, or their agents, from which material are sought to be taken as aforesaid, and the agents of said company, respecting the value thereof or damages therefor, the same shall be determined by condemnation as now provided by law in such cases.

Route of road.

Shall have due regard to damages.

§ 16. The president and directors shall begin said road at the west end of the bridge across the East Fork of Grassy creek near the Three Forks of said creek; thence the most practicable route, in the direction of Knoxville, to the top of the ridge between the said East Fork of Grassy creek and the Middle Fork of Grassy creek; thence up the said ridge, the most practicable route, through the village of Knoxville, and continuing up said ridge, the most practicable route, to the intersection of the Broad Ridge road with Covington and Lexington Turnpike Road, near the village of Dry Ridge. The president and directors, in locating said road, shall have due regard to damages that owners of land may sustain; and they are hereby required to locate said road as near as practicable to where the old road now runs.

When toll-gates may be erected.

And receive toll.

§ 17. That the said president, directors, and company shall have the power and authority, so soon as they shall have completed two and a half continuous miles thereof, to call three disinterested housekeepers to examine the same; and if they shall certify that said road has been made in a good, substantial manner, according to the provisions of this act, which certificate shall be recorded in the office of the clerk of the county court, the said president and directors may cause a gate to be erected across said road, and may demand, collect, and receive the same rates of toll and duties from all persons traveling the same with horses, cattle, or any other animals, and with carriages, wagons, sleds, and other vehicles of conveyance, as allowed by the general laws of this Commonwealth for other like roads. The president and directors shall cause printed lists of the rate of tolls which they may lawfully demand, to be affixed at each toll-gate on the road: *Provided*, That no person shall be required to pay toll at any of the gates erected as aforesaid going to or returning from

religious worship on the Sabbath, or in going to or returning from funerals; and as said road progresses to completion the same charges may be made for any additional part of said road that may be completed as aforesaid in connection with that part over which the said gate may be erected. 1876.

§ 18. When the said road, or any continuous two and a half miles thereof, shall be completed, the president, directors, and company may contract for, purchase, and hold, to them and their successors, any quantity of land that may be deemed necessary for toll-houses, &c., or, if necessary, may have a sufficient quantity of ground for said purpose condemned under a writ of *ad quod damnum* from the county court, upon application by the president of the company. May hold land for said road.

§ 19. If any person liable to pay toll on said road, at either of the gates erected in conformity with this act, shall directly or indirectly evade the same, such person or persons so offending for every such offense shall forfeit and pay to the president and directors the sum of ten dollars, recoverable before any justice of the peace in like manner as other debts of equal amounts, in the name of the president, directors, and company aforesaid. Penalty for evading toll.

§ 20. The commissioners appointed to receive subscription of stock, or any one of them, are hereby authorized to take a release of the ground and right of way from the persons through whose land said road may pass and be constructed, and a grant of material that may be necessary to construct or repair said road. May receive release of right of way.

§ 21. That the president and directors of said company shall have full power to permit any stockholder to work out their stock in said road that he or she may have subscribed, or any part thereof, at the engineer's estimate. Stock may be worked out.

§ 22. That the president and directors may, if they deem necessary, cause to be condemned along the route of the proposed road, not exceeding thirty feet in width, upon which to construct said road and all necessary ditches and drains. Road not exceeding 30 feet wide.

§ 23. That this act shall be in force from and after its passage.

Approved March 6, 1876.

1876.

CHAPTER 392.

AN ACT for the benefit of D. F. Smith, of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

•§ 1. That chapter 452, acts of 1873 and 1874, approved February 23, 1874, shall not apply to D. F. Smith, of Warren county.

§ 2. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 394.

AN ACT for the benefit of Alexander Deaton, former sheriff of Breathitt county.

WHEREAS, It satisfactorily appears to this General Assembly that great destitution existed in the county of Breathitt during the past summer, and in consequence thereof the sheriff of said county was unable to collect the revenue due from said county for the year 1875; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alexander Deaton, former sheriff of Breathitt county, have the further time until the first day of December next, in which to collect and pay into the Treasury the revenue due from Breathitt county for the year 1875: *Provided*, The sureties of said Deaton on his revenue bond will, on or before the first day of May, enter their consent in open court, in the Breathitt county court, to the extension of the time herein given said Deaton to pay said revenue, which consent shall be entered of record in said court, and certified to the Auditor.

§ 2. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 395.

1876.

AN ACT to incorporate the Louisville Bank of Commerce.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of discount and deposit in the city of Louisville, with a capital of one million of dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of "The Louisville Bank of Commerce;" and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, and of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

Bank established

Capital stock.

Name.

Corporate powers.

Common seal.

§ 2. *Be it further enacted,* That said bank shall be under the control and direction of not less than three nor more than seven directors, each of whom shall be a stockholder, and resident of the State of Kentucky. After the first election, they shall be elected annually on the second Monday in January in each year, and hold office until their successors are duly elected and qualified. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the "by-laws;" and other meetings may be held whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many shares of the stock of said company remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they may think proper and reasonable. The stock shall be deemed personal property, and shall be assignable only on the books of the bank, under such rules as the board of directors shall from time to time establish.

Directors—how and when elected

Vacancy—how filled.

Power of directors.

Stock personal property.

§ 3. *Be it further enacted,* That R. D. Baker, Joseph D. Allen, Charles W. Gheens, F. B. Moodie, and Wm. H. Saunders are appointed commissioners, any two of whom may

Commissioners.

1876. open books and receive subscriptions for the capital stock; and when one thousand shares or more of stock shall have been subscribed for, it shall be their duty to appoint a day for the election of a board of directors, and give notice in two or more daily newspapers, published in the city of Louisville, of the election of said directors, who shall hold their office until the ensuing annual election. The payment for the shares subscribed shall be made as follows; there shall be paid twenty per cent. on the amount of each subscription within ten days before the election of the first board of directors, and the residue in installments of twenty per cent. every thirty days: *Provided*, That after one hundred thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the residue; and should any of the subscribers fail to pay their subscriptions of stock as herein provided, the directors after giving notice of their intention in some daily newspaper in said city for thirty days, forfeit said stock by resolution entered on their records, and re-sell the same at such times as they may deem expedient; and all partial payments made in any stock which shall be thus forfeited shall be held for the benefit of the delinquent stockholder, after deducting therefrom any unpaid calls thereon. Said corporation may commence business when fifty thousand dollars have been paid in, and the president and directors shall have made oath of the fact of such payment before some judge, justice, or notary public.

Shares sub-
scribed—how
paid.

When to com-
mence business.

Bank of deposit
and loan.

§ 4. *Be it further enacted*, That said bank may receive deposits of gold, silver, bank notes, or other notes which may be lawfully circulated as money, and repay the same in such manner and at such times as may be agreed upon with the depositors by special or general contracts; and said bank may deal in bonds, stocks, bills of exchange, and promissory notes and other evidences of debt; loan money at a rate not exceeding the rate allowed by law, take personal and other security for all loans or debts, and dispose of the same as may be agreed upon.

May acquire
and hold real es-
tate.

§ 5. *Be it further enacted*, That the said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or that may be conveyed to it as security for any debt, or purchased in satisfaction of, or to aid in

the satisfaction of, any debt, judgment, or decree, and sell and convey the same.

1876.

§ 6. *Be it further enacted*, That this act shall take effect from its passage, and continue in force thirty years. The directors may make such by-laws as they may deem necessary: *Provided*, The same be not contrary to the Constitution or laws of this State or of the United States.

§ 7. The Legislature reserves to itself the right to alter or amend this charter.

Approved March 6, 1876.

CHAPTER 396.

AN ACT to amend the charter of the town of Berlin, approved March 15, 1869, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Berlin, approved March 15, 1869, in Bracken county, be so amended as to authorize the marshal of said town to serve all process and precepts, and do and perform all acts that the constable of Berlin precinct, in said county, may do and perform throughout the precinct, and receive the same fees as the constable for like service.

Marshal may serve process, &c.

Compensation.

§ 2. That from and after the passage of this act the trustees of said town shall have no power to grant to any person or persons, other than a hotel-keeper in good faith, a license to retail spirituous, vinous, or malt liquors, or to keep a coffee-house within the corporate limits of said town.

Only hotel-keepers to have retail liquor license.

§ 3. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 397.

AN ACT to tax public exhibitions in the town of Ashland for the benefit of the common schools of the town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all public exhibitions in any hall or other house in the town of Ashland, of a panorama or of a theatrical

Tax of \$5 on exhibitions.

1876. character, concert, or other entertainment for profit, shall pay for each exhibition or entertainment, in addition to the tax that may be levied by the authorities of the town, the sum of five dollars, to be paid into the treasury of the town for the benefit of the common schools of the town, and be subject to the control of the board of education of the town, and be applied as other taxes raised for school purposes: *Provided*, That exhibitions or entertainments for benevolent or charitable purposes, of a local character, shall not be liable to pay the tax herein imposed.

Proviso.

License—how
obtained.

Penalty for non-
payment of tax.

§ 2. The secretary of the board of trustees, or the treasurer of the town, shall, upon the payment of the tax, issue a license, specifying therein the number of times the party or parties are authorized to exhibit. Any officer of the town, or member of the board of education, may demand that the license be exhibited before the entertainment begins. Any person or persons exhibiting without having first paid the tax and obtained a license as herein required, shall pay a fine of twenty dollars for each offense. The tax may be also recovered by civil suit in the name of the board of education. Prosecutions for the recovery of the penalties may, by warrant, in the name of the Commonwealth, before the police judge of Ashland, or any justice of the peace within the town. The fines recovered shall be paid into the treasury of the town, and shall be applied in the same manner as the tax for license.

§ 3. The payment of the tax herein provided, and such additional as may be imposed by the town authorities, shall be in full of all tax for such exhibitions or entertainments. This act is not intended to affect the general law touching the tax for license of itinerant or other menagerie or circus.

§ 4. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 399.

AN ACT for the benefit of the sureties of A. C. Bowman, late sheriff of Breathitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever Wm. String, Joseph Little, Valentine Crawford, B. F. Smith, R. Herald, W. H. Crawford, J. S.

Haddix, Joseph Allen, William Day, sureties on the revenue bond of A. C. Bowman, late sheriff of Breathitt county, for the revenue due from said county for the years 1858 and 1859, or any one for them, shall satisfy with the Auditor of Public Accounts the amount of revenue chargeable to said county for said years 1858 and 1859, according to the provisions of the acts or parts of acts heretofore passed for the benefit of A. C. Bowman, or for said A. C. Bowman and his sureties, except that the year 1860 shall be wholly disregarded by the Auditor wherever it appears in any act or acts for the benefit of said Bowman, or for said Bowman and his sureties, in making said settlement the Auditor shall reconvey to the said sureties any land sold for the satisfaction of said revenue.

§ 2. All acts coming in conflict with this act are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 400.

AN ACT for the benefit of Elias Dorsey's estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of H. Bailey, as the agent of Elias Dorsey's estate, for sixty-nine dollars and fifty cents (\$69 50), it being for twenty per cent. of the thirty per cent. paid by him to redeem the lands of said estate sold by the sheriff of Jefferson county for the taxes of 1872, 1873, and 1874, and now directed to be refunded.

§ 2. This act shall take effect from its passage.

Approved March 6, 1876.

CHAPTER 401.

AN ACT for the benefit of sundry common school districts of Pulaski county.

WHEREAS, John M. Barnett, formerly school commissioner of Pulaski county, made a mistake in reporting the census of

1876.

1876. pupil children in districts 64, 92, 108, 114, and 125; in consequence whereof he is required to pay for one hundred and fifty pupils not enumerated in the apportionment table of the Superintendent of Public Instruction for the school year ending June 30th, 1874; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any unbonded surplus to the credit of Pulaski county, and such additional amount as may be necessary to liquidate the sum of two hundred and fifty-one dollars and fifty cents from the interest due on said county's bond for the school years ending June 30th, 1877, and June the 30th, 1878, be, and is hereby, appropriated to the benefit of said John M. Barnett, to be applied by him to the payment of the amounts due each of the aforesaid districts; and upon presentation of the commissioner's draft, countersigned by the Superintendent of Public Instruction, the Auditor shall issue his warrant, in favor of said John M. Barnett, upon the Treasury, to be paid when said surplus is known to exist and said interest shall be due.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1876.

CHAPTER 402.

AN ACT to authorize the county of Pulaski to issue bonds to raise money to build a jail.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Pulaski county may cause the bonds of said county, not to exceed the aggregate sum of "eleven thousand dollars," of such denomination as the court may choose, not less than "five hundred dollars" each, to be executed (in printed form), under the seal of the county court, signed by the presiding judge of the court, and countersigned by its clerk, payable at the National Bank of Somerset, with annual interest coupons, at the rate of ten per cent. per annum, and to be sold for the purpose of raising money to build a jail, and for no other purpose; said county bonds are hereby authorized to be issued, and to be made payable twenty years from date, but redeemable at any time after

the expiration of three years, at the option of said county court. 1876.

§ 2. That the county treasurer, or, if there be none, then a special treasurer, receive the funds as herein provided, and pay the same out as the court may direct; and such treasurer shall, before receiving any of said moneys, execute a good and sufficient bond, with good security, to be approved by said court, for the faithful performance of his duties.

§ 3. This act shall not take effect until a majority of the legal voters of Pulaski county, voting at a general or special election, shall cast their votes in favor of it. The county judge of said county shall have power to order a special election, at any time after the passage of this act, to test the question as to the adoption of this measure, by giving twenty days' notice of said special election, by publication in the Somerset Reporter, or by posting notices, in writing, at one or more public places in each voting precinct; and the officers appointed to conduct the general election shall conduct the special election, and shall report the result to the office of the clerk of the Pulaski county court; and if a majority of those voting shall vote in favor of this measure, the county judge shall immediately enter on the order-book of his court an order to the effect that this measure has been approved, and make proclamation to that effect; and this act shall take effect and be in force from and after the date of said proclamation.

Approved March 6, 1876.

CHAPTER 403.

AN ACT for the benefit of school district No. 42, Muhlenburg county.

WHEREAS, The school commissioner of Muhlenburg county, in making his census report of pupil children to the Superintendent of Public Instruction for the school year ending June 30th, 1875, inadvertently omitted the names of nine reported to him by the trustee of district No. 42, and it is desirable that said district should not suffer on account of said error; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of seventeen dollars and thirty-seven cents be appropriated to said district, to be paid out of the

1876. interest due said county on its surplus bond for the year ending June the 30th, 1877. The commissioner shall draw his draft on the Auditor for said amount, which, when countersigned by the Superintendent of Public Instruction, shall entitle said district to a warrant on the Treasurer for the above amount, which will be paid when said interest becomes due.

§ 2. This act shall take effect from and after January 10th, 1877.

Approved March 6, 1876.

CHAPTER 404.

AN ACT for the benefit of Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of the act for the benefit of the counties of Hardin, Hart, Warren, and Logan, in relation to their bonded debt, approved February the 26th, 1870, as prevents the Hart county court from selling the stock of said county in the Louisville and Nashville Railroad Company at a rate not less than seventy dollars to the share of one hundred dollars, be, and the same is hereby, repealed.

§ 2. *Be it further enacted,* That it shall be at the discretion of the county judge and justices of Hart county, or a majority of them concurring, to authorize the sinking fund commissioners of said county to sell said stock upon such terms as, in their judgment, shall be best for the interest of said county.

§ 3. *Be it further enacted,* That if, at any time, the county judge, and a majority of the justices of said county, shall order the sinking fund commissioners to sell said stock, the said sinking fund commissioners shall then severally set apart the proceeds of the sale of said stock for the redemption of the outstanding bonds of said county, and shall be used for no other purpose until the bonds of said county are paid off.

§ 4. This act shall take effect from its passage.

Approved March 6, 1876.

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